

United States District Court
 NORTHERN DISTRICT OF NEW YORK

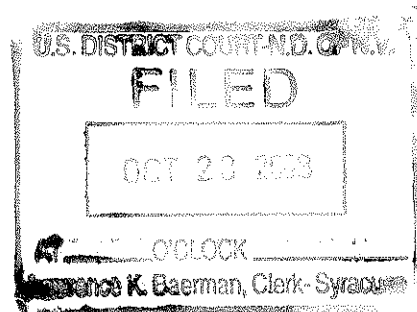
UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

1
 (SC)

v.

Case Number: 08-MJ-468 (DEP)



WHITNEY FOWLER, a/k/a Seis, Fattie,
 Fatboy; ANDREW WYMES, a/k/a Drip;
 MICHAEL AUSTIN, a/k/a Sosa;
 HAROLD CARR, a/k/a H, Henny;
 JERMAINE GARY, a/k/a Half; ROCKY
 ROCK; KASHIF SHEPARD; HUGH HILL,
 a/k/a Mercy; GINO PLACANICA, a/k/a
 Gino; MARK BAKER, a/k/a Bake,
 Baker; MICHAEL WILLIAMS;
 CHRISTOPHER LAGASSE, a/k/a Emril;
 JAYSON JULIAN, a/k/a Jayju; PABLO
 GOICO, a/k/a Pablo; CHRISTINE CARR,
 a/k/a Ghetto; TIMOTHY SWEEZEY;
 ANTHONY BONANZA, a/k/a White Boy
 Tone; ORMUZD MORALES, a/k/a
 Moose; and MARVIN LOPEZ,

Defendants

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. In or about April 2007 in Oneida county, in the Northern District of New York defendants did, (Track Statutory Language of Offense)

conspire to distribute and possess with intent to distribute in excess of 500 grams of powder cocaine and in excess of 50 grams of cocaine base (crack)

in violation of Title 21, United States Code, Sections 846

I further state that I am a Special Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof: ☒ YES ☐ NO



Anthony R. Fitzgerald, Special Agent

Sworn to before me, and subscribed in my presence,

October 28, 2008,
Date

at Syracuse, New York
City and State

Hon. David E. Peebles
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR SEARCH WARRANTS FOR THE
FOLLOWING PROPERTIES:**

- (1) 410 Blandina Street, Utica, New York
- (2) 512 Blandina Street, first floor apartment, Utica, New York
- (3) 512 Blandina Street, second floor apartment, Utica, New York
- (4) 1629 Elm Street, first floor apartment, Utica, New York
- (5) 111 Hawthorne Avenue, Utica, New York
- (6) 197 Utica Road, apartment A, Kirkland, New York
- (7) 120 Richardson Avenue, second floor apartment, Utica, New York

**AND FOR ARREST WARRANTS AND A
CRIMINAL COMPLAINT FOR THE
FOLLOWING DEFENDANTS:**

- (1) WHITNEY FOWLER
a/k/a SEIS, FATTIE, FATBOY,
- (2) ANDREW WYMES
a/k/a DRIP,
- (3) MICHAEL AUSTIN
a/k/a SOSA,
- (4) HAROLD CARR
a/k/a "H", HENNY,
- (5) JERMAINE GARY
a/k/a HALF,
- (6) ROCKY ROCK,
- (7) KASHIF SHEPARD,
- (8) HUGH HILL,
a/k/a MERCY,
- (9) GINO PLACANICA
a/k/a GINO,
- (10) MARK BAKER

a/k/a BAKE, BAKER,
(11) MICHAEL WILLIAMS,
(12) CHRISTOPHER LAGASSE
a/k/a EMRIL,
(13) JAYSON JULIAN
a/k/a JAYJU,
(14) PABLO GOICO
a/k/a PABLO,
(15) CHRISTINE CARR
a/k/a GHETTO,
(16) TIMOTHY SWEEZEY,
(17) ANTHONY BONANZA
a/k/a WHITE BOY TONE,
(18) ORMUZD MORALES
a/k/a MOOSE, and
(19) MARVIN LOPEZ,

Defendants.

**AFFIDAVIT IN SUPPORT OF COMPLAINT, ARREST WARRANTS
AND SEARCH WARRANTS**

I. INTRODUCTION

I, ANTHONY R. FITZGERALD, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), an agency of the United States Department of Justice. I am currently assigned to the Utica, New York FBI office. I have been employed by the FBI for the past twenty 24 years. During this time, I have participated in numerous investigations involving organized criminal/drug and money laundering operations, including criminal narcotics enterprises that specialize in the movement of multi-kilograms of cocaine and heroin and the transfer of hundreds of thousands of dollars in drug proceeds to drug

sources in Southeast Asia. During the course of these investigations, I have conducted or participated in surveillance, undercover transactions, execution of search warrants, debriefings of informants and reviews of tape-recorded conversations and narcotics records.

2. Pursuant to court orders, I have surreptitiously monitored, intercepted and recorded narcotics dealers speaking by telephone to one another regarding narcotics trafficking. As a result of my experience as a narcotics agent, I am familiar with the coded language and jargon used by individuals engaged in narcotics trafficking. Narcotics dealers and consumers routinely keep their drug conversations to a short duration when speaking on the telephone and use jargon, codes, cryptic phrases, abbreviated words and prearranged phrases as signals in order to limit the possibility of detection by intercepting authorities. These narcotics conversations are frequently interspersed with casual conversations because they are social friends with their narcotic business associates. My experience as well as conversations with other law enforcement officers, as detailed herein, will serve as the basis for any opinions or conclusions set forth below. I have personally participated in the investigation of the offenses set forth below and as a result of my participation and my review of past and present reports made by other Special Agents of the FBI, and other state and local law enforcement agencies, I am fully familiar with the facts and circumstances of this investigation.

3. I submit this affidavit:

a. in support of a complaint charging the above-captioned defendants with conspiracy to possess with intent to distribute and distribution of cocaine and cocaine base (crack cocaine), in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and

b. in support of an application for arrest warrants for the defendants; and

c. in support of an application for search warrants for the following premises:

1. 410 Blandina Street, Utica, New York,

more particularly described as a 2 ½ story wood frame structure, with yellow siding and yellow trim. The number

“410” is clearly affixed to the front of the residence, and visible from the road

2. 512 Blandina Street, first floor apartment, Utica, New York,

more particularly described as the first floor of a two story wood frame structure, with tan vinyl siding and white trim. The number

“512” is clearly affixed to the front of the residence, and visible from the road.

3. 512 Blandina Street, second floor apartment, Utica, New York,

more particularly described as the second floor of a two story wood frame structure, with tan vinyl siding and white trim. The

number “512” is clearly affixed to the front of the residence, and visible from the road.

4. 1629 Elm Street, first floor apartment, Utica, New York,

more particularly described as the first floor of a 2 ½ story wood frame structure, with yellow vinyl siding and white trim. The

number “1629” is clearly affixed to the front of the residence, and is visible from the road. Entry to the first floor apartment is made

by entering the front left door.

5. 111 Hawthorne Avenue, Utica, New York,

more particularly described as a two-story wood frame structure, with yellow vinyl siding, and white trim. The number “111” is

clearly affixed to the front of the residence, and visible from the road.

6. 120 Richardson Avenue, second floor apartment, Utica, New York,

more particularly described as the second floor of a 2 ½ wood frame house with white shingles on the exterior of the first floor and green shingles on the exterior of the second floor. The number “120” is clearly affixed to the front of the residence and is visible from the road.

7. 197 Utica Road, apartment A, Kirkland, New York,

more particularly described as a two story wood frame structure, with gray vinyl siding, blue shutters and white trim. The number

"197" is clearly affixed to the mailbox, and the number "197 A" is clearly affixed to the front left door, both are visible from the road.

Entry to apartment 197 A, is made by entering the front left door.

II. BASIS OF INFORMATION

The statements and facts contained in this affidavit are based upon my personal participation in this investigation, information provided by Special Agents of the FBI and DEA, on conversations held with detectives and officers from various police agencies in Utica, Rome, and other areas of Upstate New York, on information provided by confidential sources and/or cooperating witnesses, analysis of documents, telephone records, pen registers, physical surveillance, wire interceptions, my experience and training as a Special Agent of the FBI, and the experience and training of other agents involved in this investigation. Since this affidavit is being submitted for the limited purpose of supporting a complaint, arrest warrants and search warrants, as described above, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the requisite foundation to support the requested complaint, arrest warrants and search warrants.

III. FACTUAL BASIS IN SUPPORT OF COMPLAINT,

ARREST WARRANTS AND SEARCH WARRANTS

A. Case Background

Captioned investigation was initiated in April 2007 based upon source information from a confidential source (hereinafter CS) that BRANCH OFF PRODUCTIONS, a violent Utica drug gang, had been selling significant quantities of powder and crack cocaine in the central New York area since the late 1990's. Subsequently, additional CSs were debriefed, controlled cocaine buys were made from BOP members and electronic surveillance was conducted on five cell

phones used by BOP members. This investigation shows that starting in the late 1990's a Utica drug gang called the TREE SQUAD was formed. The gang initially trafficked in marijuana and was led by WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, MICHAEL AUSTIN a/k/a SOSA and ANDREW WYMES a/k/a DRIP. The gang gradually phased out its marijuana business and began trafficking in large quantities of crack cocaine and powder cocaine in the Central New York area. Around 2002 the gang started its own independent music company called BRANCH OFF PRODUCTIONS (hereinafter BOP) and since then the gang has used that name. BOP, which is based in Utica, New York, continues to run an extensive drug operation that distributes large quantities of powder and crack cocaine in the upstate New York area.

B. Confidential Sources

During the course of this investigation confidential sources ("CSs") provided information on the drug activities of members of this conspiracy. The information provided by the CSs has been corroborated by independent investigation, including telephone call records, recorded conversations, police reports, and debriefings of other CSs, physical surveillance by Utica FBI and the Oneida County Drug Task Force, Utica, New York. Additionally, as is more fully discussed below, five controlled cocaine buys were made by CS 1 from BOP member HAROLD CARR a/k/a "H", HENNY, four controlled cocaine buys were made by CS 2 from BOP leader ANDREW WYMES a/k/a DRIP and/or his workers, four controlled cocaine buys were made by CS 2 and CS 3 from BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, three controlled crack cocaine buys were made by CS 4 from BOP leader MICHAEL AUSTIN, a/k/a SOSA, and one controlled crack cocaine buy was made by CS 4 from JERMAINE GARY a/k/a HALF.

Information gathered from the CSs, corroborated and added to evidence later gathered through controlled buys and electronic surveillance, which identified the above-captioned

defendants, and others, as members of a Utica drug conspiracy.

Information From CS 1

On April 21, 2008 CS 1 provided the following information:

In or about 2006, CS 1 met "H", a black male drug dealer, when "H" was released from a prison halfway house. "H" worked for a white male drug dealer in Utica, NY, MIKE (LNU), aka SOSA (MICHAEL AUSTIN). At that time they had a stash spot in an apartment on Genesee Street, Utica.

On April 17, 2008, "H" offered to sell CS 1 powder cocaine for \$1,100 per ounce. "H" stated he had eight ounces of powder cocaine remaining for sale. "H" stated that CS 1 should contact him at cell phone number 315-507-7493 to place his/her drug orders. "H" stated that he made his drug deliveries in the brown Chrysler Sebring that he was driving at the time.

On May 5, 2007, CS 1 identified a NYS driver's license photo of HAROLD CARR, dob: 12/22/1978 as "H".

Set forth below is a series of controlled drug buys from May through September 2008 that were conducted by CS 1 with HAROLD CARR, a/k/a HENNY, "H". The first four controlled buys were set up by CS 1 calling "H" at cell phone number 315-507-7493. The fifth controlled buy was set up by CS 1 calling "H" at cell phone number 315-269-3789. Each of these telephone calls was consensually recorded. In addition, video was taken of some of the controlled buys and body recordings were made of the third, fourth and fifth controlled buys. Before each of the controlled buys CS 1 was searched for contraband with negative results. Each of the purchased substances field tested positive for the presence of cocaine and have been forwarded to the DEA lab at New York City for more detailed analysis.

First Controlled Buy By CS 1 With "H"

On May 2, in Utica, New York, CS 1 met "H" to discuss CS 1 purchasing two ounces of cocaine from "H". "H" advised that when he received a shipment of cocaine they could complete their drug deal.

On May 4, 2008, "H" telephonically contacted CS 1 and stated that they would complete their drug deal the next day at a location in New Hartford, New York.

On May 5, 2008 at 12:20 pm, CS 1 called and left a voice mail for "H" to call him. At 1:05 pm CS 1 received a call back from "H" from cell phone 315-507-7493. "H" told CS 1 to meet him at a location in New Hartford, New York. CS 1 understood this to mean that this was where "H" wanted to meet CS 1 at to sell CS 1 two ounces of cocaine.

At approximately 2:00 pm CS 1 went to the meet spot in New Hartford. A short time later, CS 1 observed "H" arrive at the meet spot driving a tan Sebring. "H" then called CS 1 from cell phone number 315-507-7493 E and told CS 1 to meet him in another nearby location.

After CS 1 parked next to "H" in the new location, CS 1 entered the Sebring. CS 1 handed "H" \$2,200.00 and "H" in turn gave CS 1 a plastic baggie containing a white powdery substance that CS 1 believed was two ounces of cocaine. "H" bragged that the cocaine was of very high quality. "H" also told CS 1 to call him again when he needed to purchase more cocaine. CS 1 then left the Sebring and "H" drove away.

At 2:34 pm, CS 1 turned over custody of the plastic baggie containing the white powdery substance CS 1 had just purchased from "H" to DEA SA Keith Sykes. At 2:57 pm at the Oneida County Drug Task Force Office, Utica, New York, SA Sykes determined that the white powdery substance weighed 56.9 grams and that it field tested positive for cocaine.

Second Controlled Buy By CS 1 With "H"

On May 13, 2008 at 6:40 pm, CS 1 called "H" at cell phone number 315-507-7493 and left a voice mail for "H" to call CS 1. A short time later "H" called CS 1 and CS 1 told "H" that

CS 1 needed to see him tomorrow. "H" told CS 1 to call him tomorrow when CS 1 wanted to meet.

On May 14, 2008 at 5:35 pm, CS 1 called "H" and with him. "H" agreed to meet CS 1 in 30 minutes at the same location they did the first deal at in New Hartford.

Shortly thereafter, at two meet spots in New Hartford CS 1 met "H" who was driving a tan Sebring. "H" was accompanied by an unknown black male, who was later identified by CS 1 as MICHAEL WILLIAMS. After CS 1 handed "H" \$2,200.00, "H" gave CS 1 two plastic baggies containing a white powdery substance that CS 1 believed contained two ounces of cocaine.

CS 4 then left "H" and turned over custody of the drug items CS 1 had purchased to DEA SA Keith Sykes. A short time later at the Oneida County Drug Task Force, SA Sykes determined that the first plastic baggie weighed 29.1 grams and that the second plastic baggie weighed 29 grams. The substances inside each plastic baggie field tested positive for cocaine.

Third Controlled Buy By CS 1 With "H"

On May 27, 2008, in Utica, New York, CS 1 told "H" that CS 1 would call him the next day.

On May 28, 2008 at 6:10 pm, CS 1 called "H" at cell phone 315-507-7493. CS 1 told "H" that CS 1 needed to see him. "H" told CS 1 to meet him at a New Hartford location. At 6:24 pm "H" called CS 1 and directed CS 1 to another meet spot in New Hartford. At 6:25 pm "H", driving a tan Sebring, met CS 1 at the new meet location. After CS 1 gave \$2,200.00 to "H", "H" gave CS 1 a tied off plastic baggie containing a white chunky substance that source believed was two ounces of cocaine. "H" and CS 1 then left the meet location.

At 6:37 pm, CS 1 turned over to affiant the plastic baggie containing the chunky white substance he had just purchased from "H". DEA Special Agent Keith Sykes, who was also present, weighed and field tested the baggie's contents. SA Sykes determined that the weight was 57 grams and that it field tested positive for cocaine.

Fourth Controlled Buy By CS 1 With "H"

On June 22, 2008, CS 1 called "H" at cell phone number 315-507-7493 and stated CS 1 wanted to meet "H" the next day. "H" told CS 1 to call him the next day and that they would meet at their usual spot in New Hartford.

On June 23, 2008 at 3:58 pm, CS 1 called "H" at cell phone number 315-507-7493 and stated CS 1 was in the area. "H" agreed to meet CS 1 in 20 minutes. At 5:03 pm "H", driving a tan Sebring, arrived at the meet location. After CS 1 gave "H" \$2,200.00, "H" gave CS 1 two tied off plastic baggies containing a white chunky substance that CS 1 believed was two ounces of cocaine. After the drug deal was over "H" drove away.

At 5:14 pm, CS 1 turned over custody of the two plastic baggies and their contents to affiant. At 5:33 pm affiant determined that the weight of the two baggies was 58 grams. Investigator Dave Cady, Oneida County Drug Task Force, then conducted a drug field test of the contents of the two baggies and each tested positive for the presence of cocaine.

Fifth Controlled Buy By CS 1 With "H"

On September 29, 2008 at approximately 7:38 pm CS 1 called HAROLD CARR a/k/a "H", HENNY and they agreed to meet at a New Hartford, New York business. CS 1's person and vehicle were then searched for contraband with negative results and CS 1 was provided with \$2,200.00 in buy money by DEA Special Agent Keith Sykes. At 8:33 pm CS 1 parked near the New Hartford business. A few minutes later CS 1 was observed meeting with "H" inside the business. At 8:55 pm CS 1 and "H" entered "H"'s vehicle in the business parking lot. "H"'s vehicle then drove around the parking lot for a short time and then CS 1 was dropped off at his vehicle.

Moments later CS 1 contacted DEA Special Agent Keith Sykes and advised he just had purchased from HAROLD CARR a/k/a "H", HENNY, a tied off plastic baggie containing a

white powdery substance which CS 1 believed was one ounce of cocaine. CS 1 turned over this item to SA Sykes who determined that it field tested positive for the presence of cocaine.

Information From CS 2

On February 14, 2008, CS 2 provided the following information on BOP.

Around 1994, a Utica drug gang called the TREE SQUAD began selling marijuana in the Utica, New York area. The leaders of the TREE SQUAD were WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL AUSTIN a/k/a SOSA. Other members of the weed operation were DRIP, DUTCH and BIGGIE. Members of the TREE SQUAD wore green and brown bandanas as their colors.

CS 2 identified mug shots of the following individuals:

WHITNEY FOWLER, dob: 12/17/1979 - SEIS

MICHAEL AUSTIN, dob: 11/17/1978 - SOSA

ANDREW WYMES, dob: 02/11/1980 - DRIP

Around 1996, the TREE SQUAD began selling "eight balls" of cocaine and crack cocaine. TREE SQUAD members pooled their money together to make their drug purchases. ANDREW WYMES a/k/a DRIP also recruited young kids to sell crack cocaine for him.

Around 1997 or 1998, WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL AUSTIN a/k/a SOSA formed BRANCH OFF PRODUCTIONS, LLC, an independent label music recording company, based in Utica.

To date, BOP has produced some rap music CDs. BOP rented studio time at Evolution Studios, 51 Franklin Square, Utica and Castle Recording Studio on Genesee Street, Utica.

WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL AUSTIN a/k/a SOSA initially bought about two ounces of cocaine and crack per week from Utica drug dealer Gary Foreman. However, they later began purchasing their cocaine from a New York City

supplier. At that time, SOSA drove the cocaine from New York City to Utica in a red Mitsubishi. The cocaine was hidden in the front bumper which had been altered to easily detach from the car. The cocaine was both "reroaked" (a cutting agent was added to the cocaine) and cooked into crack by BOP in Utica.

Once BOP established its New York City source of supply, its drug operation expanded very rapidly and began generating substantial drug profits. BOP bought much more studio time and some members bought new cars. WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL AUSTIN a/k/a SOSA also opened up a clothing store in Utica called the Hood Locker.

In 2001, BOP booked studio time in Syracuse and met Syracuse drug dealers who BOP then began supplying with cocaine.

In July or August 2003, CS 2 overheard heard WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and MICHAEL AUSTIN a/k/a SOSA and HAROLD CARR a/k/a "H", HENNY, a BOP member, brag about how their drug operation in Syracuse had expanded when the BOOT CAMP drug gang was arrested on federal drug charges. During that time, SOSA purchased a Mercedes Benz, SEIS bought an Accura 3.5 RL and Chevy Tahoe and HENNY bought a BMW. CS 2 also identified a mug shot of HAROLD CARR, dob: 12/22/1978, as HENNY.

Up until 2003, CS 2 purchased two ounces of cocaine at a time from WHITNEY FOWLER a/k/a SEIS. CS 2 paid \$24 per gram for "re-rocked" cocaine and \$1,100 per ounce for raw cocaine. CS 2 also occasionally purchased cocaine from MICHAEL AUSTIN a/k/a SOSA.

From the late 1990's until about 2003, CS 2 saw numerous BOP members with approximately 30 different guns. CS 2 explained that it was common for BOP members to sell crack cocaine in exchange for guns.

In the late 1990's, CS 2 observed WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY with a Tech 9 machine pistol that had a large flame reducer on the front. SEIS usually kept this gun at the "castle" which was SEIS' code name for his apartment on the 1600 block of Elm Street in Utica. SEIS also had a first floor rear apartment he called the "bat cave" in a building on Genesee Street, Utica.

First Controlled Buy By CS 2 With WHITNEY FOWLER a/k/a SEIS, FATTIE,

FATBOY

During the week of August 25, 2008, CS 2 advised that WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY had offered to sell him ounce quantities of powder cocaine.

The morning of September 2, 2008, SEIS again told CS 2 that he had powder cocaine for sale and told CS 2 to come to his residence at 1629 Elm Street, Utica to complete the deal. That same day at 10:16 am CS 2 drove to SEIS' residence at 1629 Elm Street to purchase cocaine from him. After CS 2 parked in the driveway next to 1629 Elm Street he was approached by a black male who called himself STEELE. CS 2 told STEELE that he was looking for SEIS. STEELE replied that he would take care of CS 2. At that point STEELE led CS 2 into the entryway of 1629 Elm Street. STEELE then walked up the stairs to the second floor. A short time later STEELE returned and gave CS 2 a tied off plastic baggie containing a white powdery substance that CS 2 believed contained a half ounce of powder cocaine. CS 2 paid STEELE \$700 for the cocaine and departed the area. CS 2 then turned over custody of the item he purchased to DEA Special Agent Keith Sykes.

At approximately 11:20 am SA Sykes and Oneida County Task Force Investigator Brad Pietryka determined that the item field tested positive for the presence of cocaine.

Second Controlled Buy By CS 2 With WHITNEY FOWLER a/k/a SEIS, FATTIE,

FATBOY

On September 2, 2008, CS 2 contacted SEIS to purchase more cocaine. SEIS told CS 2 to come to his house later that night and he would sell him 14 grams of powder cocaine for \$650. At approximately 9:45 pm CS 2 drove to 1629 Elm Street and was told by an unknown person that SEIS was on Elmwood Street (which is around the corner from SEIS' residence). At approximately 9:47 pm, CS 2 drove over to Elmwood Street and was recognized by STEELE who was on the street. STEELE told CS 2 SEIS was waiting for him and then directed CS 2 to park farther down the block. After CS 2 parked, CS 2 observed SEIS exits a residence on the west end of Elmwood Street. SEIS then came to CS 2's car and gave him a tied off plastic baggie containing a white powdery substance that CS 2 believed was one half ounce of cocaine. CS 2 gave SEIS \$660 and departed the area. CS 2 then turned over custody of the item he purchased to SA Sykes. This item later field tested positive for the presence of cocaine.

First Controlled Buy By CS 2 With ANDREW WYMES a/k/a DRIP and KASHIF

SHEPARD

On September 22, 2008, in Utica, New York, CS 2 met ANDREW WYMES a/k/a DRIP who was accompanied by HAROLD CARR a/k/a "H". CS 2 told DRIP that he wanted to purchase "one", i.e. one ounce of cocaine. DRIP agreed to sell the cocaine to CS 2 then made a cell phone call. After completing the call, DRIP told CS 2 to go to a Utica street corner later at 2:30 pm. CS 2 went to this street corner and at 2:32 pm an unknown black male told CS 2 to now go to a store in a nearby shopping plaza. CS 2 parked in front of this store at 2:40 pm. At 2:48 pm a black male later identified by CS 2 as KASHIF SHEPARD arrived at the same location

driving a tan Toyota Rav 4, Virginia tag XXE 8411. SHEPARD exited the Toyota and entered a cell phone store next to the store CS 2 had previously been told to go to. After CS 2 also entered the cell phone store, SHEPARD acknowledged CS 2 and then showed CS 2 a tied off plastic baggie containing a white powdery substance that CS 2 believed was one ounce of cocaine. CS 2 asked SHEPARD if the baggie was going to "weigh", i.e. did the baggie contain one ounce of cocaine. SHEPARD then turned to a white male store employee who took a scale from behind the counter. SHEPARD placed the baggie on the scale and it weighed 28.4 grams. CS 2 gave SHEPARD \$1,150.00 in exchange for the baggie and both parties exited the store.

CS 2 drove to a nearby location and turned over the item he had purchased to Oneida County Drug Task Force Investigator Brad Pietryka. CS 2 also turned over to Investigator Pietryka a body recording CS 2 made of the meeting with SHEPARD. At 3:30 pm Inv. Pietryka determined that the baggie and its contents weighed 29.3 grams and field tested positive for the presence of cocaine.

On September 23, 2008, a federal subpoena was served on Avis Rent A Car, the registered owner of the above Toyota Rav 4. Avis records showed that on September 21, 2008 at 11:30 am the Toyota was rented from the Avis store in New Hartford, New York to an individual residing at 1506 Taylor Avenue, Utica. Utica Police Department (UPD) records show that 1506 Taylor Avenue is the legal address of KASHIF SHEPARD, date of birth: 05/26/1988.

Also on September 23, 2008, CS 2 was shown a (UPD) booking photo of KASHIF SHEPARD. CS 2 identified SHEPARD as the same person who sold him what he believed was one ounce of cocaine on September 22, 2008.

Second Controlled Buy By CS 2 With ANDREW WYMES a/k/a DRIP

On September 30, 2008 at 2:50 pm, CS 2 met with Oneida County Drug Task Force Investigator Brad Pietryka. CS 2 was given \$3,300.00 by Investigator Pietryka to make a controlled buy of three ounces of cocaine from ANDREW WYMES a/k/a DRIP. After CS 2's vehicle and person were searched for cocaine with negative results, CS 2 drove to the Citgo gas station in north Utica where DRIP worked. At 3:31 pm, CS 2 pulled into the Citgo station and told an unknown male attendant that he needed \$20.00 of gas. CS 2 then asked DRIP who was working nearby for "three", i.e. three ounces of cocaine. DRIP made a hand gesture across his throat which CS 2 understood to mean DRIP did not want him to say anything more. After CS 2 paid for his gas and a car wash DRIP came over and shook his hand then walked away. DRIP then made another hand gesture motioning CS 2 to the west side of the Citgo station. After CS 2 parked there, he noticed DRIP was talking on his cell phone and also motioning him to go into the car wash. CS 2 drove into the car wash and was approached by an unknown white male who asked him if he was DRIP's friend. CS 2 stated that he was. The unknown white male told him that he had "one" for him and took out of his pocket a tied off plastic baggie containing a white powdery substance that CS 2 believed was one ounce of cocaine. After the unknown white male told him the price was \$1,150.00 CS 2 told him that he needed two more (ounces). The unknown white male told him that he did not know anything about that and CS 2 would have to talk to DRIP about it. CS 2 then gave the unknown white male \$1,100.00 and he in turn gave CS 2 the tied off plastic baggie containing the white powdery substance.

On September 30, 2008 at 3:29 pm, CS 2 drove away from the Citgo station and turned over the item he had purchased to Inv. Pietryka. CS 2's vehicle and person were again searched for contraband with negative results. At 3:54 pm, CS 2 returned to the Citgo station to meet with

DRIP about purchasing the other two ounces of cocaine. However, as CS 2 pulled up to the Citgo station office DRIP motioned him to keep going and not to stop. At 4:45 pm, Inv. Pietryka determined that the item CS 2 gave him weighed 28 grams and field tested positive for the presence of cocaine.

Third Controlled Buy By CS 2 With ANDREW WYMES a/k/a DRIP and

ORMUZD MORALES a/k/a MOOSE

On October 2, 2008 at 9:25 pm, CS 2's person was searched for contraband with negative results. CS 2 was then provided with \$1,150.00 in "buy" money to make a controlled purchase of one ounce of cocaine from ANDREW WYMES a/k/a DRIP at his place of employment, the Citgo Gas Station & Car Wash, 385 N. Genesee Street, Utica, New York. At 9:32 pm, CS 2 pulled into the Citgo station and parked next to a gas pump. Ernest Council, who was one of the workers there, approached CS 2's vehicle as ANDREW WYMES a/k/a DRIP stood nearby. CS 2 told Council that he needed "one-o" meaning \$10.00 in gas and one ounce of cocaine. Council fueled CS 2's car then asked DRIP how much CS 2 owed. DRIP told Council \$1,150.00 and then CS 2 handed Council \$1,150.00. Council in turn handed the money to DRIP who gave Council \$10.00 back to pay for the gas. At 9:37 pm, DRIP approached CS 2 and handed him a Citgo job application and a note that read "Bleeker and Bacon 542-4250". DRIP then told CS 2 to go to Bleeker Street and Bacon Street and call his man when he arrived there. DRIP stated that his man there would take care of him which CS 2 understood to mean that DRIP's man would give him one ounce of cocaine.

CS 2 left the Citgo station and at 9:45 pm parked on Bacon Street near Bleeker Street. CS 2 began calling 315-542-4250 and at 9:49 pm reached a person later identified as ORMUZD

MORALES a/k/a MOOSE, MARVIN. MORALES asked CS 2 if he could see him standing on the second floor porch of 508 Bacon Street. After CS 2 advised that he saw him, MORALES told him to pull in front of the residence and he would come down to meet him. At 9:50 pm, MORALES approached CS 2's vehicle and handed him a tied off plastic baggie containing a white powdery substance that CS 2 believed was one ounce of cocaine. At 10:06 pm, CS 2 turned over the item MORALES gave him to Oneida County Drug Task Force Investigator Brad Pietryka. CS 2 described the person who gave him the tied off baggie as a heavysset Hispanic male. CS 2's person was again searched for contraband with negative results by Inv. Pietryka. At 10:30 pm, Inv. Pietryka determined that the item weighed 27 grams and field tested positive for the presence of cocaine. It is noted that CS 2 also made a recording of his meeting with DRIP, Council and MORALES.

Fourth Controlled Buy With ANDREW WYMES a/k/a DRIP, ORMUZD

MORALES a/k/a MOOSE and MARVIN LOPEZ

On October 7, 2008 at approximately 12:05 pm, a tan Chevy Trailblazer, New York tag DVY7671, arrived unannounced at CS 2's residence. Inside the vehicle were ANDREW WYMES a/k/a DRIP, an unknown black male and a Hispanic male who was later identified as ORMUZD MORALES a/k/a MOOSE, MARVIN. DRIP fronted CS 2 an unknown quantity of a white powdery substance in a tied off plastic baggie that CS 2 believed was cocaine. When CS 2 tried to refuse the cocaine, DRIP told CS 2 to sell as much of it as he could. DRIP told CS 2 to give the money from his drug sales and any cocaine he could not sell to the Hispanic male (ORMUZD MORALES a/k/a MOOSE, MARVIN) with him who DRIP called MARVIN. DRIP stated that CS 2 could contact MARVIN at 506 Bacon Street. After DRIP, MARVIN and the

unknown black male left, CS 2 notified Oneida County Drug Task Force Investigator of what had just happened. CS 2 also advised that the Hispanic male with DRIP was the same Hispanic male who sold him cocaine on October 2, 2008. At 12:27 pm, Inv. Pietryka met CS 2 and took custody of the tied off plastic baggie containing a white powdery substance. At 1:22 pm, Inv. Pietryka determined that the item CS 2 gave him weighed 51 grams and field tested positive for the presence of cocaine.

On October 8, 2008 at 4:15 pm, CS 2 was given \$1,000.00 to make a controlled delivery of cash to MORALES as a partial payment for the cocaine he had been given on October 7, 2008 by ANDREW WYMES a/k/a DRIP. At 4:23 pm, CS 2 called MORALES at cell phone number 315-542-4250 and left a message for MORALES to call him. A short time later, MORALES called CS 2 and agreed to meet him at the corner of Blandina Street and Nichols Street. At 4:48 pm, after CS 2 parked at the meet location, MORALES approached CS 2's vehicle. CS 2 then gave MORALES the \$1000.00 in buy money and MORALES walked away. It is noted that CS 2 recorded his meeting with MORALES.

On October 13, 2008 at 1:30 pm, CS 2 was given \$1,000.00 to make another controlled delivery of cash to MORALES as the final payment for the cocaine he had been given on October 7, 2008 by ANDREW WYMES a/k/a DRIP. At 1:36 pm, CS 2 called MORALES at cell phone number 315-542-4250. MORALES told CS 2 to again meet him at the intersection of Blandina Street and Nichols Street. At 1:55 pm, MORALES parked at the meet location. Moments later, a green GEO, New York tag EEF1130, driven by MORALES parked at the same location. A Hispanic male passenger in the GEO, who was identified by Inv. Brad Pietryka as MARVIN LOPEZ, date of birth: October 19, 1984, exited the GEO and entered CS 2's vehicle.

CS 2 then gave LOPEZ the \$1,000.00 in buy money. LOPEZ then exited the vehicle and returned to the GEO which drove away. It is noted that CS 2 recorded his meeting with LOPEZ.

On October 16, 2008 at 1:15 pm, Oneida County Drug Task Force Investigator Kerry Carville observed a heavy set Hispanic male sitting on the front porch at 917 Blandina Street that matched the above physical description provided by CS 2 of the Hispanic male that sold cocaine to him on October 2, 2008. Inv. Carville instructed Utica Police Department Patrolman Fanelli to stop and identify this person. When Patrolman Fanelli asked the person for identification, he produced Florida identification in the name of ORMUZD MORALES, date of birth: December 21, 1971. ORMUZD MORALES a/k/a MOOSE, MARVIN, is known to local law enforcement as a local drug dealer. A criminal check conducted on ORMUZD MORALES showed that he had two prior New York felony drug convictions. Later that same day, a booking photo of MORALES was shown to CS 2. CS 2 positively identified MORALES as the same person who sold him what he believed was one ounce of cocaine on October 2, 2008, the same person he delivered \$1,000.00 to on October 8, 2008 and the same person who drove the GEO on October 13, 2008. Additionally, CS 2 was shown a booking photo of MARVIN LOPEZ. CS 2 identified LOPEZ as the same person that exited the GEO that he delivered \$1,000.00 to on October 13, 2008.

Information From CS 3

On September 12, 2008, CS 3 advised as follows:

For the last four or five years, CS 3 bought cocaine from Utica drug dealers CS 3 knew as SEIS and DRIP. CS 3 estimated he completed 17 or 18 drug deals with SEIS and DRIP. The cocaine amounts purchased ranged from one half ounce to 14 ounces. CS 3 advised that the 14

ounce cocaine deal took place at DRIP's mother's house on Blandina Street in Utica. CS 3 met DRIP at this location and then SEIS brought the cocaine there.

The last cocaine purchase CS 3 made from SEIS happened in late August or early September 2008. CS 3 observed SEIS deliver four or five ounces of cocaine to another Utica drug dealer who in turn handed it to CS 3.

On September 18, 2008 CS 3 advised as follows:

Most of CS 3's cocaine purchases were made from DRIP. CS 3 stated that three or four of his cocaine purchases were with SEIS. Many of the cocaine purchases from DRIP occurred at DRIP's mother's house on Blandina Street, the front porch of DRIP's house on Blandina Street and inside DRIP's vehicle, a green Ford Explorer. CS 3 stated that two or three times he also bought a total of approximately two ounces of crack from DRIP.

CS 3 noted that DRIP's residence is about a block from his mother's house on Blandina Street. CS 3 advised that DRIP's mother is an older white female. CS 3 also advised that DRIP's mother's house is located right next to the residence of ROCKY ROCK, who is DRIP's brother. (As will be discussed in further detail later in this affidavit, it is noted that physical surveillance, Title III intercepts and public record checks show that DRIP resides at 512 Blandina Street, his mother is a white female, Kathy Tyrrell, who resides at 410 Blandina Street and ROCKY ROCK resides next door to her at 418 Blandina Street.)

CS 3 advised that approximately one year ago a Utica drug dealer told CS 3 that he sold cocaine at a Utica bar for ROCKY ROCK. This drug dealer also stated that ROCKY ROCK obtained his cocaine from DRIP.

CS 3 advised that one of his drug associates was fronted three to six ounces of cocaine every other day by DRIP. CS 3 observed many of these drug deals. CS 3's drug associate also told CS 3 that DRIP kept his cocaine in a safe at his mother's house on Blandina Street.

CS 3 advised that SEIS's primary drug worker is a black male drug dealer called HALF.

CS 3 advised that a Utica drug dealer he knew as WHITE BOY TONE was associated with BRANCH OFF PRODUCTIONS members, including DRIP and HENNY. CS 3 advised that he purchased cocaine from WHITE BOY TONE on 15 occasions. The most recent deal occurred in late August 2008 and was for one half ounce of cocaine.

CS 3 identified the following mug shot photos as follows:

WHITNEY FOWLER – SEIS

ANDREW WYMES – DRIP

JERMAINE GARY – HALF

ANTHONY BONANZA – WHITE BOY TONE

ROCKY ROCK – ROCKY ROCK

First Controlled Buy By CS 3 With WHITNEY FOWLER a/k/a SEIS, FATTIE,

FATBOY

On September 25, 2008 at a Utica business, WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY told CS 3 that he had cocaine for sale for \$1,450 to \$1,500 per ounce. CS 3 advised that when SEIS left their meeting he was driving a black Nissan Maxima and was wearing a large gold medallion.

On September 30, 2008 at 8:30 pm, CS 3 ran into SEIS in Utica and told him that he needed a "couple of those things". SEIS replied he could do it for "15" each and that they could

complete the deal that night or the next day. CS 3 understood this conversation to mean that SEIS would sell him two ounces of cocaine for \$3,000. SEIS stated that he would call CS 3 at midnight to see when he wanted to complete their deal.

On September 30, 2008 at about 8:30 pm, CS 3 recorded a call he placed to SEIS at cell phone number, 315-334-3346. During the call, CS 3 told SEIS he wanted to meet and to do their deal that night. SEIS agreed and told CS 3 they would meet at the time (midnight) that he mentioned before.

On October 1, 2008 at 12:46 am, SEIS called CS 3 and stated that he would meet CS 3 in 15 minutes. At 1:10 am, CS 3 called SEIS and SEIS stated that he would be coming soon. At 1:29 am, CS 3 again called SEIS and SEIS stated that he was coming right now. At 1:34 am, SEIS met CS 3 near a Utica street corner and handed him a tied off plastic baggie containing what CS 3 believed was two ounces of cocaine. CS 3 in turn handed SEIS \$3,000. SEIS told CS 3 that the cocaine was "raw", i.e. high quality cocaine with no cutting agent in it. After SEIS told CS 3 to call him if he wanted to do another deal SEIS drove away in a gray Mitsubishi SUV.

On October 1, 2008 at 1:36 am, after the above drug deal was completed, CS 3 met Oneida County Drug Task Force Investigator Brad Pietryka and writer at a nearby location. CS 3 turned over to Inv. Pietryka a tied off plastic baggie containing what he believed was two ounces of cocaine and a body recording he made of his drug purchase with SEIS. CS 3 turned over to writer two microcassettes containing recordings of his telephone calls with SEIS on September 30 and October 1, 2008. At 2:07 am, Inv. Pietryka determined that the plastic baggie and its contents weighed 56.6 grams and field tested positive for the presence of cocaine.

Second Controlled Buy By CS 3 With WHITNEY FOWLER a/k/a SEIS, FATTIE,

FATBOY

On October 6, 2008, CS 3 purchased two ounces of powder cocaine from WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY. This controlled buy is discussed in detail in the search warrant section of this affidavit.

Third Controlled Buy By CS 3 With WHITNEY FOWLER a/k/a SEIS, FATTIE,

FATBOY

On October 16, 2008, during a recorded telephone call between CS 3 and WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY, CS 3 and SEIS agreed to meet in Utica the next day. CS 3 understood this to mean that SEIS would meet with him to sell him cocaine.

On October 17, 2008 at 8:00 pm, during a recorded telephone call between SEIS and CS 3, SEIS stated that he would meet CS 3 at a Utica location in 15 minutes. At 8:41 pm, an Acura TL, New York tag EGU 5940, driven by SEIS parked at CS 3's location. CS 3 then entered the Acura and gave SEIS \$3,000.00. SEIS in turn handed CS 3 a tied off plastic baggie containing a white powdery substance that CS 3 believed was two ounces of cocaine. It is noted that this meeting was recorded by CS 3. At 8:42 pm, CS 3 exited the Acura which then drove away. At 8:45 pm, CS 3 turned over to Oneida County Drug Task Force Investigator Brad Pietryka the item he had just purchased from SEIS. At 8:58 pm, Inv. Pietryka determined that this item weighed 56.6 grams and field tested positive for the presence of cocaine.

Information From CS 4

On September 2, 2008, CS 4 provided the following information:

In or about 2004, CS 4 became acquainted with members of a Utica drug gang that called itself BRANCH OFF PRODUCTIONS (BOP). One of the leaders of BOP was a white male called SOSA. At that time SOSA lived at a residence on Lansing Street in Utica. SOSA sold large quantities of cocaine and/or crack cocaine, i.e. usually 125 grams to multi kilograms. One of SOSA's main customers was a person with a street name of Ski. Ski purchased up to a kilogram of cocaine at a time from SOSA. Cocaine and/or crack cocaine sales below 125 grams were usually handled by BOP workers that SOSA supplied. Some of these workers were known as Gooch, Choke and Moet. These workers frequently sold cocaine and/or crack cocaine out of a house on Dudley Street in Utica.

In or about 2005, SOSA moved to the North Babylon, Long Island area because some BOP members had been arrested, including Moet, who provided the "muscle" for BOP. While SOSA resided on Long Island, he continued to coordinate the delivery of multi kilograms of cocaine from Long Island to Utica. One of these drug deliveries involved three kilograms of cocaine, two of which DRIP, a BOP leader, brought to his house on Blandina Street in Utica. The other kilogram went to Ski who lived in a house on South Street in Utica. A few months later, Ski bought another kilogram of cocaine from SOSA in Utica. SOSA was assisted in the three kilogram deal by a BOP member called Ty. Ty is a Puerto Rican male who is believed to be SOSA's cocaine supplier and resides on Long Island.

SOSA recently moved back to Utica because \$80,000 was stolen from him on Long Island. Since then SOSA has stated that he has cocaine for sale for \$1,300 per ounce for high quality cocaine and \$1,000 per ounce for "rerocked" cocaine, i.e. cocaine with a larger amount of cutting agent in it.

SOSA drives a black Mercedes Benz and a gray two door Honda Civic with two missing hubcaps. The Civic has a "trap" which is used to conceal drugs. The "trap" is located on the back side of the front passenger seat. SOSA recently stated the Civic was in New York City but that he planned to bring it back to Utica soon.

DRIP has a black or dark blue Honda Accord that also has a "trap" in it. About six months ago SOSA tried to borrow the Honda to transport cocaine from New York City back to Utica but DRIP refused to let him use the car.

When SOSA was not available, CS 4 purchased crack cocaine from, another BOP member JERMAINE GARY a/k/a HALF.

Approximately two weeks ago CS 4 saw SOSA carrying a .38 handgun and saw HALF with a .380 pistol in the center console of his Chevy Trailblazer.

SOSA's cell phone number is 315-542-1319. HALF's cell phone numbers are 315-404-9768, 315-507-0574 and 315-749-6591. Many BOP members, including DRIP, SOSA, Ty and SEIS have a gold medallion with a gold tree branch in the center that is surrounded by diamonds.

Controlled Buys Made By CS 4

CS 4 made three controlled buys of crack cocaine from MICHAEL AUSTIN a/k/a SOSA and one controlled buy of crack cocaine from JERMAINE GARY a/k/a HALF. These controlled buys are discussed in detail in the search warrant section of this affidavit.

C. Historical Information From Other Confidential Sources

On April 12, 2007, CS 5 provided the following information:

From 2005 to early 2007, CS 5 purchased powder and crack cocaine from

members of a Utica, New York drug gang called BOP. BOP also had a music recording company that used the same name and has produced four music CD's. CS 5 purchased up to 125 grams of powder cocaine and 125 grams of crack cocaine at a time. Most of CS 5's drug orders were placed with either SEIS or SOSA, who were the leaders of BOP. CS 5 placed his orders by calling their cell phones and meeting them at various locations in Utica to complete the drug deals.

CS 5 stated that SEIS would send one of BOP's workers to handle crack and/or powder cocaine orders under one half ounce. Also, drug customers who wanted to purchase a large amount of crack and/or powder cocaine such as a kilogram would call SOSA to get the deal approved.

CS 5 advised that the street names of some of the workers in BOP's drug operation were HENNY, DRIP, and Skeet.

CS 5 advised that BOP cooked up crack cocaine in a Hotel Utica suite or a suite at the Turning Stone Casino hotel that crack addicts rented for BOP.

SOSA stated to CS 5 that he gave money to his mother to launder through a business she owned in Utica. SOSA stated that if he was ever arrested that none of his property could be seized because it was not in his name, including his credit cards.

In January or February 2007, SOSA gave a BOP member a cell phone programmed with the names, contact numbers and drug amounts usually purchased by BOP's main drug dealer customers. When a dealer called in, the BOP member would just tell the dealer where to meet him and would not have to say anymore over the phone. Over a two week period the BOP

member sold eight or nine kilograms of powder and crack cocaine to the dealers. The amounts purchased ranged from one quarter kilogram to three kilograms.

CS 5 has seen the following BOP gang members with handguns: SEIS, SOSA and HENNY.

CS 5 made the following mug shot and/or driver's license photo identifications:

SEIS - WHITNEY FOWLER, date of birth: December 17, 1979

SOSA - MICHAEL AUSTIN, date of birth: November 17, 1978

HENNY - HAROLD CARR, date of birth: December 22, 1978

DRIP - ANDREW WYMES, date of birth: February 11, 1980

Information From CS 6

On May 24, 2007, CS 6 provided the following information:

In 1996m a Utica drug gang called the TREE SQUAD sold small amounts of crack cocaine around Neilson Street. Eventually, the TREE SQUAD moved some of its drug operation to other locations in Utica which led to numerous shooting incidents with other drug dealers whose territories they had invaded. From 1996 to 2004, CS 6 was advised of the drug activities of the TREE SQUAD by numerous acquaintances. CS 6 learned that the TREE SQUAD had changed its name to BRANCH OFF PRODUCTIONS because it had also formed a Utica music recording company under the same name. BOP significantly expanded its drug operation in Utica and distributed kilograms of cocaine and/or crack cocaine on a regular basis.

In early 2004, Choke advised CS 6 that BOP gang member MICHAEL AUSTIN was primarily responsible for BOP expanding its drug business. CHOKE explained that AUSTIN had supplied the money necessary for BOP to begin purchasing large quantities of cocaine. CHOKE

advised that AUSTIN had obtained the money from either his father or from a lawsuit settlement. CHOKE stated that AUSTIN was the brains behind BOP and was one of its main leaders.

In the spring of 2004, when BOP gang member ANDREW WYMES, a/k/a DRIP, was arrested on local drug charges, he left one and a half kilograms of powder cocaine with an associate to hold for him.

Moet was described as the enforcer for BOP and was regarded on the street as a very violent person.

In the summer of 2006, BOP was involved in a violent dispute with Stack A Mil, another Utica drug gang, over who was going to control drug sales on Dudley Street. To increase BOP's street presence, Moet brought his cousin COREY and some other workers from Virginia to Utica. A BOP gang member called BOSCO was shot in the arm by a Stack A Mil gang member. One of the Virginia workers then shot a Stack A Mil gang member called PIERRE, a/k/a P Loc.

CS 6 advised that other BOP gang members he knew were HAROLD CARR, a/k/a HENNY, JAMIE THOMPSON, a/k/a BUDDHA and JERMAINE GARY, a/k/a HALF.

D. Electronic Surveillance

On July 7, 2008, based upon information developed from the above controlled purchases with HAROLD CARR a/k/a "H", HENNY and call record analysis on "H"'s cell phone, 315-507-7493 (hereinafter Line 1), a Title III wiretap was authorized by Hon. Norman A. Mordue, United States District Court Judge, on Line 1. This order was renewed on August 5, 2008. Pertinent calls intercepted during the wire intercept on Line 1 showed that this cell phone was used primarily by "H" to take drug orders from his customers and to communicate with other BOP members regarding their drug trafficking activities. Call intercepts from this wiretap led to probable cause to obtain spinoff

wiretaps on cell phones 315-601-1036 (hereinafter Line 2), 315-534-0292 (hereinafter Line 3) and 315-507-0656 (hereinafter Line 4). The Title III wiretaps on Lines 2, 3 and 4 were authorized by Hon. Norman A. Mordue, United States District Court Judge, on August 25, 2008. This order for Line 3 was renewed on October 10, 2008. (It is noted that when Line 3 was renewed the cell phone number had changed to 315-534-0017). Call intercepts on these lines showed that ANDREW WYMES a/k/a DRIP was the user of Lines 2 and 3 and that WHITNEY FOWLER was the user of Line 4. After August 5, 2008, call activity on Line 1 significantly decreased and it was determined that "H" was no longer using this cell phone. Based upon information provided by CS 3 and call record analysis of "H"'s girlfriend's cell phone it was determined that "H" was using cell phone number 315-269-3789 to conduct his drug business. Based upon this information, Hon. Norman A. Mordue, United States District Court Judge, authorized a Title III wiretap on 315-269-3789 (hereinafter Line 5) on September 3, 2008. This order was renewed on October 2, 2008.

Based on the calls intercepted over Lines 1 and 5, it is clear that these cell phones were used by customers of HAROLD CARR a/k/a HENNY, "H", to place drug orders with him. There are numerous calls during which customers are calling these cell phones to order quantities of cocaine and/or crack cocaine. Discussions during these calls include, but are not limited to, the amount of crack ordered, the price to be paid and when and where to make the deliveries.

Also, calls intercepted over Lines 1 and 5 showed these cell phones were used by HAROLD CARR a/k/a "H" to communicate with other members of BOP including WHITNEY FOWLER a/k/a SEIS, ANDREW WYMES a/k/a DRIP and ROCKY ROCK. In general, calls with these individuals showed the close criminal association of these BOP members. Specifically, the calls with WYMES and ROCKY ROCK showed that HAROLD CARR a/k/a

“H” was supplied with drugs by these individuals and that in addition to drug trafficking WHITNEY FOWLER a/k/a SEIS also was the point of contact for BOP members who needed guns.

Examples of intercepted calls and related surveillances as to each particular defendant and search location are as follows:

Drug Customers Of “H”- Line 1 Calls

GINO PLACANICA A/KA GINO

GINO PLACANICA a/k/a GINO was identified through wire intercepts and surveillance as a drug dealer who was one of “H”’s primary customers. It is noted that the cell phone number 315-941-5386 which GINO used to call “H” is subscribed to by GINO’s girlfriend Melissa Sportello, 110 Barton Avenue, Utica, New York. A sampling of calls and surveillance relating to GINO are as follows:

July 25, 2008

Call # 1107 – 1:20 pm – 315-941-5386

GINO told “H” he was at the county building in Utica and mentioned “two girls”. “H” stated he would meet GINO there.

Call # 1111 – 2:04 pm – 315-941-5386

“H” stated he would see GINO at the county building in 15 minutes. GINO stated he had a “busy day too, a good day.” “H” then asked “is it a good day for me?” GINO replied “it’s a great day for you of course.”

Call #1112 – 2:19 pm – 315-941-5386

“H” told GINO he was parked by the truck.

Surveillance

2:20 pm – “H” driving a tan Sebring, NY tag EGU 5402, parked behind a 2004 Chevy Trailblazer, NY tag EGU 6537, on Charlotte Street, Utica, near the Oneida County Office Building. GINO PLACANICA then entered the passenger side of the Sebring for about a minute then he left the Sebring and entered the passenger side of the Trailblazer. “H” then drove away.

It is noted that subsequent investigation determined that EGU 6537 is registered to GINO’s girlfriend Melissa Sportello.

Call #1116 – 2:47 pm – 315-941-5386

“H” told GINO he was at GINO’s house and wanted to know where the money was. GINO stated that it was in one of his CD cases in his closet.

July 26, 2008

Call #1281 – 9:26 pm – 315-941-5386

GINO told “H” he was going to his house in 20 or 25 minutes and wanted “to hang out with the two girls” that “H” had. “H” stated that he would meet GINO at 10:00 pm. GINO replied that was perfect because he had “people” (customers) on hold and he had been trying to reach “H”.

Call #1287 – 9:26 pm – 315-941-5386

“H” told GINO he was on his way there. GINO stated he was home and had his kids in his truck.

Surveillance

10:32 pm – GINO PLACANICA, a white female and some children entered a Chevy Trailblazer parked in front of 110 Barton Avenue, Utica.

10:43 pm – A tan Sebring, NY tag EGU 5402, parked at 110 Barton Avenue. GINO then

entered the passenger side of the Sebring.

10:44 – Sebring drove away

Call #1291 – 10:45 – 315-725-9340

GINO used Line 1 to call his girlfriend Melissa. He asked her to check out a suspicious van that was parked on Barton Avenue. “H” could be heard in the background with GINO stating that he was concerned about the van.

July 28, 2008

Call #1402 – 4:26 pm – 315-941-5386

GINO stated that he was at his house and asked “H” to bring him “two of the girls”. “H” stated that he would be there in five minutes.

Surveillance

4:29 pm – A tan Sebring, NY tag EGU 5402, left 197A Utica Road, Clinton, New York, where investigation has determined that “H” resides with his girlfriend.

4:42 pm – The Sebring was observed unoccupied parked in front of 110 Barton Avenue, Utica.

4:49 pm – “H” exited 110 Barton Avenue, entered the Sebring and drove away.

Based on my training and experience, it is reasonably believed that the above calls show that GINO has purchased cocaine from HAROLD CARR a/k/a “H”, HENNY on numerous occasions.

MARK BAKER A/K/A BAKE. BAKER

MARK BAKER a/k/a BAKE, BAKER was identified through wire intercepts and surveillance as a drug dealer who was one of “H”’s main customers. It is also noted that BAKER is a convicted drug felon. A sampling of calls and surveillance relating to BAKER are as follows:

July 25, 2008

Call #1157 – 8:25 pm - 315-507-3008

BAKER asked “H” to do the same as yesterday for him in an hour.

Call #1168 – 9:50 pm – 315-790-1596

BAKER asked “H” to come see him. “H” stated he would come but that he did not like meeting at such a late hour. It is noted that during other unanswered calls to this cell phone by “H” a voice mail recording stated that a message could be left at this number for MARK BAKER.

Call #1176 – 10:35 pm – 315-790-1596

After BAKER told “H” he was home, “H” stated that he was there and BAKER should come outside.

August 4, 2008

Call #1882 – 2:01 pm – 315-507-3008

“H” agreed to meet BAKER at the Bank of America on the eastside of Utica.

Call #1885 – 2:20 pm – 315-790- 1596

BAKER told “H” he was there. “H” stated that he was also there and that BAKER would see him soon.

Surveillance

2:28 pm – Tan Sebring, NY tag EGU 5402, driven by “H”, parked in the Plaza East parking lot on Mohawk Street, Utica.

2:29 pm – Green Honda Accord, NY tag EEH 8557, driven by MARK BAKER parked next to the Sebring. BAKER exited his car and entered the Sebring.

2:32 pm – BAKER exited the Sebring, returned to his car and drove away.

August 5, 2008

Call #1983 – 9:05 pm – 315-790-1596

BAKER told “H” he needed to see him. “H” told BAKER he was busy but would call him when he was done.

Call #1986 – 10:05 pm – 315-790-1596

“H” told BAKER to meet him at the bar right now. It is noted that prior intercepted calls and surveillance determined that “H” frequently met his customers at the Utica Clubhouse, a bar on Charlotte Street, Utica.

Text Message – 10:15 pm – 315-790-1596

BAKER stated that he was there.

Surveillance

10:15 pm – A tan Sebring driven by “H” left 197A Utica Road, Clinton, New York,

10:26 pm – “H” parked at the Utica Clubhouse on Charlotte Street, Utica.

10: 28 pm – MARK BAKER, driving a green Honda Accord, NY tag EEH 8557, left the Utica Clubhouse parking lot. “H” was then observed to walk into the bar.

Based on my training and experience it is reasonably believed that the above calls show that BAKER has purchased cocaine from HAROLD CARR a/k/a “H”, HENNY on numerous occasions.

MICHAEL WILLIAMS

MICHAEL WILLIAMS was identified through wire intercepts and surveillance as a drug dealer who was one of “H”’s main customers. Additionally, investigation determined that WILLIAMS was a cousin and close associate of “H”. It is noted that during the wiretaps on Lines 1 and 5, WILLIAMS registered three cars in his name that were owned and driven by HAROLD

CARR a/k/a "H", HENNY, to make his drug deliveries. As was mentioned previously, WILLIAMS also accompanied "H" when he made a controlled cocaine sale to CS 1. Examples of call intercepts and surveillance relating to WILLIAMS are as follows:

July 22, 2008

Call # 937 – 8:14 pm – 315-941-4863

WILLIAMS asked "H" if it was "good". (It is noted that "good" is a common drug term used to indicate that a drug dealer is holding drugs. It is also noted that "H" indicated during numerous previous wire intercepts with WILLIAMS and other drug customers that he expected a drug shipment in the near future). "H" told WILLIAMS that he would call him right back and let him know because he was "conversating" right now.

Call #939 – 8:31 pm – 315-941-4863

"H" told WILLIAMS who was home watching TV to come out back to meet him.

Call #940 – 8:34 pm – 315-941-4863

"H" told WILLIAMS he was pulling in right now.

Surveillance

7:50 pm - "H" Mercedes Benz, NY tag EEF 3379, was observed parked in the driveway at 512 Blandina Street, Utica. This is the residence of BOP leader ANDREW WYMES a/k/a DRIP.

8:30 pm – The Benz left 512 Blandina Street.

8:38 pm – The Benz parked at 1549 Mohawk Street which public records show is the residence of WILLIAMS.

8:58 pm – The Benz was no longer observed parked at 1549 Mohawk Street.

July 23, 2008

Call #985— 2:48 pm - 315-941-4863

WILLIAMS told “H” no one was happy with what he was selling them.

July 24,2008

Call #1040 – 1:44 pm – 315-941-4863

WILLIAMS stated that he was at Joe’s house and asked “H” to bring him a “little truck”. “H” stated that he would stop by.

July 25, 2008

Call #1163 – 9:22 pm -315-941-4863

WILLIAMS stated that he was at Joe’s and that he might have to “holler” at “H” for “half a truck”. WILLIAMS continued that if “H” did not have it he could wait until the morning. WILLIAMS then asked if it would be like “10 minutes of 7” (i.e. a price of \$650). “H” stated that it would.

Call #1165 – 9:35 pm – 315-941-4863

WILLIAMS told “H” he wanted that “10 minutes to 7”. “H” stated that he would come to Joe’s to see WILLIAMS.

Call #1177 – 10:48 pm – 315-941-4863

WILLIAMS told “H” he was home now. “H” told WILLIAMS to come outside because he was pulling into his driveway right now.

Surveillance

10:54 pm – Tan Sebring, NY tag EGU 5402, was observed parked in the driveway at 1549 Mohawk Street, Utica.

10:48 pm – “H” entered the Sebring and drove away.

August 4, 2008

Call #1904- 5:01 pm - 315-941-4863

WILLIAMS told "H" that he needed him to come back through to see him. WILLIAMS stated that he only needed "half of that and no slices".

Call #1907 – 5:31 pm – 315-941- 4863

"H" told WILLIAMS that he would be there in five minutes.

Based on my training and experience it is reasonably believed that the above calls show that WILLIAMS has purchased cocaine from HAROLD CARR a/k/a "H", HENNY on numerous occasions.

CHRISTOPHER LAGASSE A/K/A EMRIL

CHRISTOPHER LAGASSE a/k/a EMRIL was identified through wire intercepts and surveillance as one of "H"'s main drug customers from Rome, New York. The Rome Police Department, Special Investigations Unit, has advised that source information has identified LAGASSE as a cocaine dealer who works in a cocaine operation in Rome with MICHAEL KIMBALL. LAGASSE is a convicted drug felon. One of the cell phone numbers, 315-271-0427, LAGASSE used to contact "H" is subscribed to by CHRISTOPHER LAGASSE. Examples of calls and surveillance relating to LAGASSE are as follows:

July 22, 2008

Call #954 – 11:40 pm – 315-271-5333

"H" called EMRIL and told him he "could trust your boy". EMRIL stated that he had recently been "fucked over out there" (Rome) but that he had found someone (another drug supplier) to go to on the side to keep "people" (his drug customers) happy. "H" apologized and stated that EMRIL

should definitely come by tomorrow so that they could get something to "eat".

July 23, 2008

Call # 987 – 3:12 pm – 315-271-5333

EMRIL told "H" he was leaving Rome to see him. "H" told EMRIL to call when he arrived and that they would go get something to "eat".

Text Message – 4:18 pm – 315-271-5333

The message stated "I'm at the mall."

Call #998 – 4:30 pm – 315-271-5333

EMRIL told "H" he was at Macy's (at Sangertown Mall, New Hartford, New York). "H" stated that he was pulling up there right now.

Surveillance

4:34 pm – A tan Sebring, NY tag EGU 5402, parked in the Macy's parking lot at Sangertown Mall, New Hartford. A white male in a baseball cap later identified as CHRISTOPHER LAGASSE approached the Sebring. The white male then entered a Mitsubishi Galant, NY tag DCD 9675.

4:36 pm – Both cars drove away.

July 26, 2008

Call #1269 – 8:30 pm – 315-271-5333

EMRIL told "H" that he had "it" (money) for "H" since yesterday. EMRIL also stated that he needed to see "H" again on Monday. "H" stated that he would call EMRIL tomorrow if he needed "it" before Monday.

July 27, 2008

Call #1339 – 315-271-5333

EMRIL told "H" that he was in Waterville and was coming to Utica. "H" told EMRIL to text message him when he arrived.

Text Message – 315-271-5333

5:03 pm – "Were u wana eat"

5:15 pm – "I at the mall"

Call #1345 – 5:15 pm – 15-271-5333

EMRIL stated that he was inside the mall between Macy's and Sears. "H" stated he was pulling in now. EMRIL stated that he would come out.

Call # 1347 – 5:51 pm – 315-271-5333

EMRIL told "H" that he was coming out right now.

Surveillance

5:24 pm - A tan Sebring, NY tag, EGU 5402, was observed driving out of the Macy's – Sears parking lot at Sangertown Mall, New Hartford, New York.

CHRISTOPHER LEGASSE and a white male later identified as MIKE KIMBALL were observed near the driver's side door of a Mitsubishi Galant, NY tag DCD 9675, parked in the Macy's – Sears parking lot. LEGASSE and the white male then walked toward the mall entrance.

August 4, 2008

Call # 1888 – 2:39 pm – 315-271-0427

EMRIL told "H" that he was getting on "49" (Route 49 in Rome) and was coming out to see "H". "H" told EMRIL that he would talk to him when they met.

Call #1897 – 3:26 pm – 315-271-0427

EMRIL told "H" that he was there and was stopping at the Wendy's.

Surveillance

3:40 pm – A gold Mitsubishi Galant, NY tag DCD 9675, was observed parked at the Wendy's on Seneca Turnpike, New Hartford.

3:55 pm – Two white males entered the Galant.

3:56 pm – The Galant drove across the street to a nearby Verizon Wireless store. CHRISTOPHER LAGASSE was driving. MIKE KIMBALL was in the front passenger seat.

4:08 pm – KIMBALL moved to the driver's seat and LAGASSE to the passenger seat.

4:09 pm – A tan Sebring, NY tag EGU 5402, driven by "H", pulled into the Verizon Wireless parking lot and parked near the Galant. LAGASSE then exited the Galant and entered the passenger side of the Sebring. KIMBALL drove the GALANT into the Sangertown Mall., "H" followed in the Sebring.

4:14 pm – "H" drove around the mall parking lot and parked in the Macy's lot near the bus stop.

4:16 pm - "H" drove out of the mall by himself. The Galant was observed parked unoccupied in the Macy's lot near the bus stop.

4:22 pm – KIMBALL and LAGASSE entered the Galant and drove out of the mall. The Galant proceeded to Odd Creations Junkett on West Dominick Street, Rome, New York. The Rome Police Department, Special Investigations Unit, advised this is a business that Rome drug dealers are known to frequent to purchase "cutting agent" for cocaine. KIMBALL went in the store for about two minutes then returned to the Galant.

5:07 pm - The Galant, driven by LAGASSE then drove to Blossvale, New York where it parked in the driveway at 3246 Haskins Road, Blossvale.

This location is known to the Rome Police Department, Special Investigations Unit, as the residence of MIKE KIMBALL.

Based on my training and experience it is reasonably believed that the above calls show that LAGASSE has purchased cocaine from HAROLD CARR a/k/a "H", HENNY on numerous occasions.

JAYSON JULIAN A/KA JAY JU

JAYSON JULIAN a/k/a JAY JU was identified through wire intercepts and surveillance as a Utica drug dealer who was one of "H"'s main drug customers. It is noted that cell phone, 315-941-1336, that JULIAN used to contact "H" is subscribed to by JAYSON JULIAN, 402 Jeanette Drive, Utica, New York. JULIAN is a convicted drug felon. Examples of call intercepts and surveillance relating to JULIAN are as follows:

July 23, 2008

Call #1001 – 4:47 pm – 315-941- 1336

"H" agreed to meet JAY JU in half an hour.

Call #1014 – 6:14 pm – 315-941-1336

JAY JU told "H" he was on Rutger Street. "H" stated that he would pick him up there.

July 25, 2008

Call #1117 – 3:06 pm – 315-941-1336

JAY JU told "H" that he would be on the east side in an hour. "H" told him to give him a call when he was there because he would be in the area. JAY JU then asked "H" to "double that".

Call #1119 – 3:33 pm – 315-941-1336

"H" told JAY JU that he would meet him at 4:00. JAY JU advised that was perfect.

Call #1126 – 4:19 pm -315-941-1336

JAY JU told “H” that he was walking on Rutger Street. “H” stated that he was almost there and that he would meet JAY JU in the same spot as yesterday.

Surveillance

4:34 pm – A tan Sebring, NY tag EGU-5402, parked in the driveway at 765 Rutger Street, Utica, New York. JAYSON JULIAN entered the passenger side of the Sebring.

4:38 pm – JULIAN exited the Sebring at Rutger Street and George Place. JULIAN then walked into the residence at 765 Rutger Street.

July 26, 2008

Call #1215 – 4:10 pm – 315-941-1336

“H” agreed to meet JAY JU at his house.

Call 1217 – 4:13 pm – 315-941-1336

JAY JU advised he would meet “H” in east Utica.

#1224 – 4:41 pm – 315-941-1336

JAY JU told “H” that he was on Genesee Street and going to Rutger Street..

#1225 – 4:45 pm – 315-941-5711.

“H” called looking for JAY JU. An unknown male told “H” that he had left 5 minutes ago.

Surveillance

5:01 pm – A tan Sebring , EGU 5402, parked in front of 765 Rutger Street, Utica.

5:02 pm – Sebring drove away.

August 4, 2008

Call #1895 – 3:04 pm – 315-941- 1336

"H" agreed to meet JAY JU later.

Call #1900 – 4:06 pm -315-941-1336

JAY JU told "H" he was driving to east Utica with Johnnie and asked "H" to call his phone.

"H" advised that he would call him.

Text Message – 4:51 pm – 315-941-1336

"I'm at the barbershop"

Call #1906 – 5:26 pm – 315-941-1336

"H" told JAY JU that he was on the way to see him right now.

Call #1910 – 5:43 pm -315-941-1336

"H" told JAY JU to come to him right now. JAY JU said alright.

August 5, 2008

Call #1968 – 4:01 pm -315-941-1336

JAY JU told "H" that he was on Rutger Street. "H" advised that he was on the way to see him.

Surveillance

4:15 pm – JAYSON JULIAN was observed on a second floor porch at 765 Rutger Street, Utica.

4:40 pm – JULIAN exited 765 Rutger Street.

4:47 pm – A tan Sebring, NY tag EGU 5402, turned off Rutger Street on to Belmont Avenue. Sebring parked on Belmont Avenue. JAY JU exited the Sebring and entered 765 Rutger Street.

Based on my training and experience it is reasonably believed that the above calls show that

JULIAN has purchased cocaine from HAROLD CARR a/k/a "H", HENNY on numerous occasions.

PABLO GOICO a/k/a PABLO

PABLO GOICO a/k/a PABLO was identified through wire intercepts and surveillance as a Utica drug dealer who was one of "H"'s drug customers. Additionally, wire intercepts show that GOICO, who is a convicted violent felon on parole, carries a gun and has attempted to obtain another gun from BOP.

July 10, 2008

Call #136 – 315-292-0997

HAROLD CARR a/k/a "H" told PABLO GOICO a/k/a PABLO that his "shit" was off and that was why he was not "checking " niggers. "H" stated that when he was "right" he would come through and meet PABLO.

Based on my training and experience I believe that during the above call "H" was telling PABLO that he was not meeting his drug customers to sell them cocaine because he had not been resupplied with cocaine yet.

July 21, 2008

Call #869 – 315-292-0997 – 5:49 pm

HAROLD CARR a/k/a "H" told PABLO GOICO a/k/a PABLO that the police just pulled him over in his Mercedes Benz. "H" stated that he owned the car but that it was registered to his cousin (MICHAEL WILLIAMS). PABLO then stated that he "needed to eat, that he was hungry". "H" replied that he understood and was trying to see what was up. "H" continued that he would definitely be able to hang out with PABLO this week.

Based on my training and experience I believe that during the above call PABLO was telling

“H” that he (PABLO) needed to sell cocaine to support himself. “H” then told PABLO that he would have cocaine to sell him that week. As is discussed later in this affidavit, on July 22, 2008 “H” received a load of cocaine from ANDREW WYMES a/k/a DRIP.

July 24, 2008

Call #1068 – 315-292-0997 – 7:45 pm

HAROLD CARR a/k/a “H” told PABLO GOICO a/k/a PABLO that he would stop by quick to see him in five minutes. PABLO told “H” that he was at his mother’s house on Waverly (Place).

Surveillance

7:53 pm – A tan Sebring, NY tag EGU 5402, known to be driven by HAROLD CARR a/k/a “H”, was stopped in front of 26 Waverly Place, Utica, New York. PABLO GOICO was at the driver’s side window of the Sebring.

7:55 pm – The Sebring drove away and GOICO walked back to 26 Waverly Place.

Based on my training and experience I believe that during the above call and surveillance “H” sold cocaine to PABLO in front of 26 Waverly Place.

July 26, 2008

Call #1250 – 315-292-0997 – 6:24 pm

PABLO GOICO a/k/a PABLO told HAROLD CARR a/k/a “H” that he needed to see him soon. After “H” talked about a shooting PABLO again told “H” that he needed to see “H” today. “H” stated that he would call PABLO before he came by.

July 27 2008

Call #1336 – 315-292-0997 – 3:51 pm

PABLO GOICO a/k/a PABLO told HAROLD CARR a/k/a “H” that he was at his mother’s

“crib”. “H” apologized for not seeing him yesterday and said he would come by to see him now.

Surveillance

4:15 pm – PABLO GOICO is on the porch at 26 Waverly Place, Utica, New York.

4:41 pm – PABLO walked off the porch out of view towards the street. A few moments later a tan Sebring, NY tag EGU 5402, known to be driven by “H”, was observed driving down Waverly Place.

(It is noted that during Call #1443 at 4:45 pm “H” told ANTHONY BONANZA a/k/a WHITE BOY TONE that he was about to drop off PABLO.)

5:00 pm – PABLO was observed walking back into the house at 26 Waverly Place. The tan Sebring was then observed driving down Waverly Place.

July 31, 2008

Call #1613 – 315-292-0997 – 2:29 pm

PABLO GOICO a/k/a PABLO told HAROLD CARR a/k/a “H” that he needed to meet with “H” as soon as possible to discuss something. PABLO stated it was not something he could talk on the phone about. PABLO was at his mother’s house on Waverly Place. “H” stated he would meet PABLO there.

On August 2, 2008, PABLO GOICO a/k/a PABLO told HAROLD CARR a/k/a “H” that he needed to get a gun. “H” told PABLO that FATBOY (another a/k/a for WHITNEY FOWLER) would help him out and told him to contact FATBOY at 315-507-0656. “H” also mentioned that FATBOY held a gun for him. “H” then called SEIS at 315-507-0656 and told him PABLO would be calling him. Summaries of these intercepted calls are as follows:

August 2, 2008 – Call #1740 – 2:01 pm – 315-292-0997

"H" told PABLO that he was about to go to FATBOY's "crib". PABLO then told "H" that all he had to carry was a "rusty shit" and that it was a "little boy". PABLO continued that GHETTO was holding it for him now but that he had to give it back to the guy he borrowed it from. "H" stated that he had a new number for FATBOY and that PABLO needed to call him about his situation. "H" stated that the number was 315-507-0656. "H" told PABLO that "right now he (FATBOY) could help" him. "H" told PABLO that he should keep calling FATBOY because he screened his calls and was hard to get a hold off. "H" stated that FATBOY was holding onto "something" of his. "H" also agreed to personally bring PABLO to see FATBOY if necessary.

August 2, 2008 – Call #1741 – 2:05 pm – 315-507-0656

"H" told FATBOY that he had just given his number to PABLO because he needed to "holler" at him. When FATBOY asked "H" "what's that nigger want to talk to me about" "H" replied "um, you know, I mean he'll tell you. It probably ain't what you're thinking about" (drug business). FATBOY stated that he was at his "crib" waiting for BUDDHA (BOP member JAMIE THOMPSON) to come over. "H" stated that he was also going to come see him.

It is also noted that subpoenaed call records for WHITNEY FOWLER's cell phone, 315-507-0656, show that on August 2, 2008 at 2:07 pm an incoming call was made to this cell phone from PABLO GOICO's cell phone number 315-292-0997. This call occurred just six minutes after "H" told PABLO to call FATBOY to get a gun. Additionally, these call records showed that between August 2, 2008 and August 6, 2008 there were a total of 5 calls between these cell phones.

CHRISTINE CARR A/K/A GHETTO

CHRISTINE CARR a/k/a GHETTO, who is the sister of "H", was identified through wire intercepts and surveillance as a Utica drug dealer who was one of "H"'s main drug customers. The wire intercepts also indicate that GHETTO tried to purchase a gun for PABLO GOICO who is a convicted violent felon currently on parole. Examples of call intercepts and surveillance relating to CARR are as follows:

July 19, 2008

Call #754 – 315-219-0814

GHETTO asked "H" if he was "good". "H" replied no but maybe he would be tomorrow.

July 24, 2008

Call #1045 – 2:50 pm - 315-219-0814

GHETTO asked "H" to "get at" her today. "H" stated that he would see her later that day.

July 25, 2008

Call #1179 – 11:16 pm – 315-219-0814

GHETTO asked if it was too late to go to "H"'s crib. "H" told her that if she was alone to just come there and walk inside.

July 26, 2008

Call #1191 – 12:41 pm – 315-219-0814

GHETTO told "H" that the "thing" from last night was different from what she was used to. She stated that she had lost "one and a half". (This call shows that GHETTO "cooked" the cocaine she bought from "H" into crack and lost one and a half grams while doing it.)

Call #1201 – 2:24 pm – 315-219-0814

GHETTO stated that she was at Herb Philipson's (a sporting goods store) and that it did not

have the ones he (PABLO GOICO) wanted. She stated that she was going to another gun store, Gander Mountain. "H" told her to go to Gander Mountain or Walmart. GHETTO stated she was with PABLO (GOICO). (This call shows that GHETTO was with GOICO and was trying to purchase a gun for him.)

July 27, 2008

Call #1348 – 6:06 pm – 315-219-0814

GHETTO told "H" that she had "it" (money) for him. She then mentioned "7" and asked if they could get the same thing. "H" told her to hurry because he was almost on "E" (empty i.e. out of cocaine).

July 28, 2008

Call #1391 – 2:35 pm – 315-219-0814

"H" told GHETTO that he was driving in the area and needed her to "get at him" (give him money). GHETTO agreed to meet him at the Price Chopper in south Utica.

Call #1392 – 2:41 pm – 315-219-0814

"H" told GHETTO that he was pulling into the parking lot now. GHETTO stated that she was already parked there.

Surveillance

2:45 pm – A tan Sebring, NY tag EGU 5402, driven by "H" was parked in the Price Chopper parking lot in south Utica. A black female in a white t-shirt entered the passenger side of the Sebring.

2:50 pm – The black female exited the Sebring which drove away.

July 29, 2008

Call #1454 – 3:00 pm – 315-219-0814

"H" asked GHETTO if she was "good" for the day. After GHETTO replied no "H" told her he would call her to meet up when he left where he was.

July 30, 2008

Call #1587- 7:57 pm – 315-219-0814

After "H" told GHETTO that he had sold his car (Mercedes Benz) for "8" (\$8,000), GHETTO asked "H" if he was "good". "H" replied probably not until tomorrow. GHETTO stated that she needed to make money. "H" told her that "when I get word I'm gonna give it to you. When I get a phone call I'm going to call you."

August 4, 2007

Call #1898 – 3:16 pm – 315-219-0814

After GHETTO told "H" she had "200" (\$200) for him she told him that she could get more if he could see her that day. They agreed to meet later that day.

Call #1934 – 8:48 pm – 315-219-0814

"H" told GHETTO that he would swing by to see her after he ate. He told her "I got you" but that she should get her "figures straight" (have his money for him).

Based on my training and experience it is reasonably believed that the above calls show that CHRISTINE CARR has purchased cocaine from HAROLD CARR a/k/a "H", HENNY on numerous occasions.

TIMOTHY SWEEZEY

TIMOTHY SWEEZEY was identified through wire intercepts and surveillance as a local drug dealer who was one of "H"'s main drug customers. Examples of call intercepts and surveillance relating to SWEEZEY are as follows:

July 24, 2008

Call #1076 – 8:40 pm - 315-368-8206

Sweezy asked “H” if it was “good”. “H” stated that it was and told Sweezy to come by the Clubhouse bar where he was at.

Call #1077 – 8:42 pm – 315-368-8206

SWEEZEY stated he had his bike (motorcycle) and did not have a license so he wanted “H” to come meet him.

Call #1078 – 9:02 pm – 315-368-8206

“H” told SWEEZEY he was waiting for him at the house on the corner. SWEEZEY stated that he would be right there.

Surveillance

9:03 pm – SWEEZEY exited 1200 Court Street, Utica and drove away on a red Suzuki motorcycle, NY tag 49GL05.

9:08 pm – SWEEZEY stopped on the 2000 block of Ann Street where he met “H” who was driving a tan Sebring, NY tag EGU 5402.

9:11 pm – SWEEZEY returned to 1200 Court Street and went inside.

August 4, 2008

Call #1893 – 2:53 pm – 315-368-8206

“H” told SWEEZEY he wanted him to pay the money he owed “H”. SWEEZEY agreed to meet “H” later to pay him.

Based on my training and experience it is reasonably believed that the above calls show that TIMOTHY SWEEZEY has purchased cocaine from HAROLD CARR a/k/a “H”, HENNY on

numerous occasions.

ANTHONY BONANZA A/K/A WHITE BOY TONE

ANTHONY BONANZA a/k/a WHITE BOY TONE was identified through wire intercepts and surveillance as a local drug dealer who was one of "H"'s main drug customers. BONANZA's criminal record also reflects that he is a convicted New York State drug felon and is currently on parole. Examples of call intercepts and surveillance relating to BONANZA are as follows:

July 23, 2008

Call #1039 – 10:52 pm – 315-404-9793

"H" told the male caller who was later identified as ANTHONY BONANZA a/k/a WHITE BOY TONE that his phone had been off but that he was "gravy" now. BONANZA stated he thought "H" was trying to avoid him when he did not answer his calls. "H" said the "shit" (cocaine) was higher (of better quality) now. After BONANZA told "H" he needed to meet with him "H" told BONANZA he would "holler" at him tomorrow. BONANZA mentioned that he was "maintaining" and had about "six hundred and two of those things" for two weeks.

July 27, 2008

Call #1324 – 2:27 pm – 315-404-9793

BONANZA stated that he was on the south side of Utica and that his "people" (drug customers) were coming from Herkimer. "H" told BONANZA that he would meet him in 45 minutes.

Call #1328 – 2:58 pm – 315-404-9793

BONANZA told "H" that his "people" were almost there. "H" stated that he would be there soon.

Call #1331 – 3:27 pm – 315-404-9793

“H” told BONANZA that he was in south Utica and would see him soon. BONANZA said he was waiting out on the porch with his son and girl.

Call #1343 – 4:45 pm – 315-404-9793

BONANZA told “H” he needed the same “thing” (amount of cocaine) as before. BONANZA stated that he had half (the money) for the new “thing” and needed to hold it for 45 minutes (i.e. BONANZA needed the cocaine fronted to him). “H” agreed to this arrangement and said he would meet BONANZA at the Price Chopper.

Call #1344 – 5:03 pm – 315-404-9793

“H” told BONANZA he was at the Price Chopper and that he should come outside to meet him.

“ Surveillance

5:06 pm – A tan Sebring, NY tag EGU 5402, driven by “H” was observed leaving the Price Chopper parking lot on Genesee Street in south Utica.

Call #1358 – 6:50 pm – 315-404-9793

BONANZA told “H” he was at the Price Chopper and wanted to know if he could meet with him again. “H” stated that he was still “holding some shit” for BONANZA and would meet him at his baby mama’s “crib”.

Call #1360 – 6:54 pm – 315-404-9793

BONANZA told “H” to meet him at his house on the west side of Utica.

Call #1368 – 7:35 pm – 315-404-9793

BONANZA told “H” he was home. “H” said he was driving there now. (It is noted that at

7:35 pm during call #1369 "H" told his girlfriend he was going to see WHITE BOY TONE who lived on the west side near Oak Street.)

Surveillance

7:40 pm – A tan Sebring, NY tag EGU 5402, driven by "H" parked on Oak Street, Utica. After a few minutes a white male entered the passenger side door of the Sebring.

8:00 pm – The white male exited the Sebring and entered the front door of 1309 Oak Street. Investigator Brad Pietryka, Oneida County Drug Task Force later reviewed video taken during this surveillance and determined that the white male was ANTHONY BONANZA, date of birth: 6/25/1986. Additionally, it is noted that BONANZA is on NYS Parole and 1309 Oak Street is listed as his parole address.

First Controlled Buy By CS 3 With ANTHONY BONANZA a/k/a WHITE BOY

TONE

On October 16, 2008 at 6:00 pm, CS 3 called ANTHONY BONANZA a/k/a WHITE BOY TONE at cell phone number 315-941-3694. During the call WHITE BOY TONE agreed to sell CS 3 one half ounce of cocaine. At 7:09 pm during a second call CS 4 made to WHITE BOY TONE they agreed to meet near a Utica store. CS 3 was then given \$800.00 in "buy" money and his person was searched for contraband with negative results. At 7:11 pm CS 3 met WHITE BOY TONE at the agreed upon location. WHITE BOY TONE gave CS 3 a tied off plastic baggie which was inside another plastic baggie containing a white powdery substance that CS 3 believed was one half ounce of cocaine. CS 3 in turn gave WHITE BOY TONE \$800.00 then left. At 7:17 pm CS 3 turned over custody of the item he purchased to Oneida County Drug Task Force Investigator Brad Pietryka. At 7:30 pm, Inv. Pietryka determined that the item weighed 14.3 grams and field tested positive for the

presence for cocaine. It is noted that CS 3 made recordings of his telephone calls with WHITE BOY TONE and their meeting.

Based on my training and experience it is reasonably believed that the above calls show that ANTHONY BONANZA a/k/a WHITE BOY TONE has purchased cocaine from HAROLD CARR a/k/a "H", HENNY on numerous occasions.

HUGH HILL A/K/A MERCY

HUGH HILL a/k/a MERCY was identified through wire intercepts on Lines 1 and 5 and surveillance as a Utica drug dealer who bought cocaine from HAROLD CARR a/k/a "H", HENNY. Additionally, on September 11, 2008 call intercepts show that MERCY sold cocaine to "H" and ANTHONY BONANZA a/k/a WHITE BOY TONE. Before and after "H" took delivery of the cocaine he met with BOP leaders including MICHAEL AUSTIN a/k/a SOSA and WHITNEY FOWLER a/k/a FATTIE, FATBOY. Additionally, after "H" received the load of cocaine he began making numerous cocaine deals with many of the same drug customers mentioned above. Line 1 and Line 5 call intercepts and surveillance related to "H"'s drug deals with MERCY are as follows:

MERCY's Cocaine Purchases With "H" on Line 1

July 24, 2008

Call #1048 – 315-734-5748 - 3:22 pm

HUGH HILL a/k/a MERCY told HAROLD CARR a/k/a "H", HENNY that he was "naked" but was surviving. "H" stated that it was "fucked up" for everyone. MERCY told "H" that he would be "hollering" at "H" as soon as possible.

Based on my training and experience it is believed that during the above call MERCY is

telling "H" that he wants to purchase cocaine from "H" as soon as "H" is resupplied with cocaine.

July 26, 2008

Call #1181 – 315-734-5748 – 12:28 pm

HAROLD CARR a/k/a "H", HENNY told HUGH HILL a/k/a MERCY that he was coming to see him. MERCY told "H" to come as soon as he could.

July 27, 2008

Call #1321 – 315-734-5748 – 2:11 pm

HUGH HILL a/k/a MERCY told HAROLD CARR a/k/a "H", HENNY that he needed to talk to "H" right now because he had "chicks" with him who wanted to talk to "H". MERCY continued that there were five women with him who wanted to see "H". "H" replied that he would come as soon as possible.

Call #1335 – 315-734-5748 – 2:50 pm

MERCY told "H" he was home. "H" stated that he was coming to pick him up.

Call #1337 – 315-734-5748 – 4:00 pm

"H" told MERCY that he was at MERCY's residence. MERCY stated that he was just parking at the back of his residence now.

July 30, 2008

Call #1534 – 315-734-5748 – 1:46 pm

MERCY stated that he just called "H" and was at the "crib". "H" stated that he would pass by.

Call #1537 – 314-734-5748 – 2:15 pm

MERCY told "H" that he was still at his "crib" waiting for him. "H" stated he was on his way and was just down the street.

July 31, 2008 - #1629 – 315-734-5748 - 1:10 pm

MERCY asked "H" if he was "out of gas" (out of cocaine). "H" replied he was but that he would have a vehicle (cocaine) tomorrow and would call MERCY then.

Based on my training and experience it is believed that the above calls show that HUGH HILL a/k/a MERCY regularly purchased cocaine from HAROLD CARR a/k/a "H", HENNY.

"H"'s Cocaine Purchase From MERCY

September 5, 2008

Call # 66 – 315-368-8206 – 3:06 pm

During this call HAROLD CARR a/k/a "H" asked MERCY, a Utica drug dealer later identified as HUGH HILL, if he was "good". After MERCY replied that he was definitely "good" they agreed to meet at a location on Varick Street in Utica.

Call #67 – 315-368-8206 – 3:10 pm

During this call HAROLD CARR a/k/a "H" discussed purchasing a Utica bar with TIMOTHY SWEEZEY, a Utica drug dealer. Later during the call SWEEZEY asked "H" if he "heard any news on the other thing yet". "H" replied no but that he was on his way to Varick Street to meet with his "homeboy".

Call #68 – 315-542-1319- 3:26 pm and Call #71 – 315-542-1319 – 3:57 pm

During these calls HAROLD CARR a/k/a "H" told BOP leader MICHAEL AUSTIN a/k/a SOSA that it was very important that he meet with him as soon as possible. They agreed to meet near a Utica bank so "H" could talk to SOSA.

Surveillance

4:00 pm - HAROLD CARR a/k/a "H" parked his gray Honda, NY tag EEF 3379, near the Puff and Stuff store in Utica. Moments later a black Ford XPL, NY tag DCE 1561, parked near the Honda. MICHAEL AUSTIN a/k/a SOSA exited the Ford and entered the Honda. SOSA remained in the Honda for a short time then walked away from the area.

Call #75 – 315-368-5632 – 4:47 pm

During this call HUGH HILL a/k/a MERCY told HAROLD CARR a/k/a "H" that he had talked to someone (SOSA) and that it was a "definite". MERCY stated that he was waiting on a call back and told "H" to meet him.

Surveillance

5:25 pm – A gray Honda Accord, NY tag EEF 3379, known to be driven by HAROLD CARR a/k/a "H" was observed parked in front of Griff's Bar, 725 Columbia Street, Utica.

5:30 pm – A black male exited the Honda, entered a Ford Windstar van, NY tag EKX 2064, and drove away. The Windstar is registered to Kesha Clark, 315 Jefferson Street, Utica, New York, who is known to be HUGH HILL's girlfriend.

Based on my training and experience I believe the above intercepted calls on September 5, 2008 show that HAROLD CARR a/k/a "H" was contacting HUGH HILL a/k/a MERCY to purchase a load of cocaine for BOP. "H" then contacted and met with MICHAEL AUSTIN a/k/a SOSA to discuss the drug purchase with him.

September 10, 2008

Call #289 – 315-368-5632 – 6:56 pm

HAROLD CARR a/k/a "H" told HUGH HILL a/k/a MERCY that he needed to talk to

him about something important. They agreed to meet at the Nice N Easy store near Proctor Park.

Surveillance

7:06 pm – “H” left the Nice N Easy store on Culver Avenue and drove away in his gray Honda, NY tag EEF 3379.

Call # 291 – 315-368-5632 – 7:08 pm

HUGH HILL a/k/a MERCY told HAROLD CARR a/k/a “H” that he was behind him (in his car). “H” stated that he would make a left hand turn and then they would meet.

Surveillance

7:11 pm – Ford Windstar, NY tag EKX 2064, was observed behind “H”’s Honda Accord, NY tag EEF 3379 at the intersection of Albany and Nichols.

7:13 pm – The Windstar and Honda parked on Hoover Street. “H” left the Honda and talked to MERCY who was driving the Windstar.

Call #292 – 315-941-3694 – 7:17 pm

HAROLD CARR a/k/a “H” told ANTHONY BONANZA a/k/a WHITE BOY TONE that it was a “go”. WHITE BOY TONE stated that he would make a phone call and then come see “H”.

Call #299 – 315-368-5632 – 8:11 pm

HAROLD CARR a/k/a “H” told HUGH HILL a/k/a MERCY that when the “nigger” (WHITE BOY TONE) called him back he would get the “outfits” (money) and then come to see MERCY.

Call #301 – 315-941-3694 –

HAROLD CARR a/k/a "H" told ANTHONY BONANZA a/k/a WHITE BOY TONE that he would pick him up tomorrow at 2:00 pm to see the "nigger" (MERCY).

Call #305 – 315-368-5632 – 9:34 pm

HAROLD CARR a/k/a "H" told HUGH HILL a/k/a MERCY that he would call him tomorrow at 2:00 pm and then MERCY could follow him to see the "dude" (WHITE BOY TONE). MERCY stated that he would test drive the "vehicle" and see what the inside looked like. "H" stated that if it was a nice "vehicle" "H" might buy it from him because he needed a "vehicle".

September 11, 2008

Call #320 – 315-368-5632 – 2:56 pm

HUGH HILL a/k/a MERCY told "H" that he test drove the "car" and that it was a nice "car". MERCY continued that "H" could get the "car" but that he would have to get it from him.

Call #327 – 315-368-5632 – 4:31 pm

HAROLD CARR a/k/a "H" told HUGH HILL a/k/a MERCY that he was still trying to get a hold of his "boy" (WHITE BOY TONE).

Call #329 – 315-941-3694 – 4:52 pm

HAROLD CARR a/k/a "H" told ANTHONY BONANZA a/k/a WHITE BOY TONE that he would pick him up in south Utica near the Arby's.

Surveillance

5:15 pm – HAROLD CARR a/k/a "H" was observed driving a gray Honda Accord, NY tag EEF 3379 on Butterfield Street in south Utica. "H" then picked up ANTHONY BONANZA a/k/a WHITE BOY TONE.

Call #357 – 315-941-941-3694 – 9:43 pm

ANTHONY BONANZA a/k/a WHITE BOY TONE called HAROLD CARR a/k/a “H” to see if he was all right. “H” stated that everything was “gravy” and that everything had worked out. (It is noted that the term “gravy” was frequently used by “H” to indicate he had cocaine for sale.) This call shows that “H” had completed his cocaine purchase from MERCY earlier in the evening)

Call #358 – 315-368-8206 – 9:56 pm.

HAROLD CARR a/k/a “H” called one of his drug customers, TIM SWEEZEY, who was working at the Utica Club Bar and told him to come outside.

Based on my training and experience I believe the above calls on September 10 and 11, 2008 show that HAROLD CARR a/k/a “H” and ANTHONY BONANZA a/k/a WHITE BOY TONE purchased a load of cocaine from HUGH HILL a/k/a MERCY. “H” then called TIMOTHY SWEEZEY to make a drug sale to him.

Calls intercepted on September 12, 2008 provided additional corroboration that HAROLD CARR a/k/a “H” purchased a load of cocaine from HUGH HILL a/k/a MERCY on September 11, 2008. On this day, “H” made and/or discussed drug deals with nine of his drug customers. A sampling of some of these Line 5 calls is as follows:

September 12, 2008

Call # 392 – 315-507-4687 – 6:31 pm

MICHAEL WILLIAMS, who is the cousin of HAROLD CARR a/k/a “H”, told “H” that Billy (a drug customer) called and wanted to “spend a little bit of time, not a lot of time” with him. “H” said he would go see WILLIAMS.

Call #396 – 315-507- 4687 – 7:02 pm

MICHAEL WILLIAMS asked HAROLD CARR a/k/a “H” if he was ready. After “H” replied that he was, WILLIAMS stated that he would pick up Billy (a drug customer) and then meet “H” at WILLIAMS’ residence.

Call #402 – 315-790-1596 – 7:30 pm

HAROLD CARR a/k/a “H” told MARK BAKER that he could hang out with “H” to get a “vehicle” but that the situation was stressful (i.e. his supply of cocaine was low). BAKER stated “that’s all right, I’ll just stretch it (i.e. add a cutting agent to it). I’ll fuck everybody”. “H” and BAKER then agreed to meet on the Macy’s side of the Sangertown Mall.

Call #417 – 315-790-1596 – 8:36 pm

HAROLD CARR a/k/a “H” told MARK BAKER that he was in the mall near the FYE store.

Surveillance

8:41 pm – “H” and BAKER shake hands and walk into the FYE store in Sangertown Mall, New Hartford, New York.

8:45 pm – After “H” and BAKER left the store “H” took something out of his right coat pocket and put it in a shopping bag he was holding. “H” then took a DVD out of a shopping bag and handed the bag to BAKER. (It is believed that “H” placed cocaine in the bag he gave to BAKER.)

Call #415 – 315-941-3694 – 8:31 pm

ANTHONY BONANZA a/k/a WHITE BOY TONE told HAROLD CARR a/k/a “H” that he was “hurting” (i.e. was low on cocaine) and wanted “H” to call him in the morning

“before the last of the last” (i.e. before “H” was out of cocaine).

September 13, 2008

Call # 458 – 315-520-9959 – 6:15 pm

BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY called for HAROLD CARR a/k/a “H” but MICHAEL WILLIAMS who was with “H” answered the call. WILLIAMS stated that they were on the way to WILLIAMS’ house (1549 Mohawk Street, Utica) and “H” wanted SEIS to meet them there at 6:30 pm. WILLIAMS told SEIS to pull all the way into the back of the house.

Call # 461 – 315-520-9959 – 6:43 pm

WHITNEY FOWLER a/k/a SEIS told HAROLD CARR a/k/a “H” that he was at WILLIAMS’ house.

Surveillance

6:43 pm – A gray Acura , New York tag EGU5940, known to be driven by WHITNEY FOWLER a/k/a SEIS, drove to the rear of the driveway at 1549 Mohawk Street, Utica.

6:50 pm – A gray Honda Accord, New York tag EEF 3379, known to be driven by HAROLD CARR a/k/a “H” also pulled to the rear of the driveway at 1549 Mohawk Street.

7:30 pm – The Honda left.

7: 37 pm – The Honda returned.

7: 52 pm – The Honda left.

7:54 pm – The Acura left.

Based on my training and experience I believe that the intercepted calls and surveillance on September 13, 2008 show that HAROLD CARR a/k/a “H”, WHITNEY FOWLER a/k/a SEIS,

FATTIE, FATBOY and MICHAEL WILLIAMS met to discuss their drug business at WILLIAMS' house.

September 17, 2008

Call # 653 – 271-0427 – 2:00 pm

CHRISTOPHER LAGASSE a/k/a EMRIL told HAROLD CARR a/k/a "H" that he had "90% of that" (i.e. money) for "H" and would meet him at the mall.

Surveillance

4:09 pm – CHRISTOPHER LAGASSE and MICHAEL KIMBALL exit a gray Mitsubishi Eclipse, New York tag DTA 6672, that was parked in the Macy's parking lot at Sangertown Mall and walked into the mall. (It is noted that the Rome Police Department, Special Investigations Unit, previously advised that MICHAEL KIMBALL is a drug dealer from Rome, New York). A tan Sebring, New York tag EGU 5402, known to be driven by HAROLD CARR a/k/a "H" was also parked in the same Macy's lot.

4:39 pm – LAGASSE and KIMBALL walk from the Macy's entrance and depart in the Eclipse.

4:40 pm – CARR exited the same Macy's entrance carrying a shopping bag.

Based on my training and experience I believe that the above calls and surveillance from September 17, 2008 show that CHRISTOPHER LAGASSE was delivering money to HAROLD CARR a/k/a "H", HENNY to pay for cocaine he had fronted him.

Line 1 Calls With ANDREW WYMES a/k/a DRIP and ROCKY ROCK

By way of background, from July 8, 2008 until July 22, 2008 numerous calls were intercepted over Line 1 during which HAROLD CARR a/k/a "H" told his drug customers that he

was waiting for a drug delivery to arrive.

On July 22, 2008 intercepted calls with ANDREW WYMES a/k/a DRIP over Line 1 and related surveillances indicated that "H" went to DRIP's residence to pick up cocaine. Summaries of these calls and the related surveillances are as follows:

July 22, 2008 – Calls #901 – 2:27 pm, #905 – 2:41 pm, #912 – 3:55 pm

During these calls HAROLD CARR a/k/a "H" and ANDREW WYMES a/k/a DRIP discussed meeting at Drip's "crib" later that day.

July 22, 2008 – Call # 424 – 4:24 pm

"H" asked DRIP if his "homeboy" drove a green Honda. After DRIP replied maybe he did "H" stated that he had just parked on DRIP's street and that the Honda was also parked on DRIP's street. DRIP stated that he would see "H" in a few minutes.

July 22, 2008 - Call # 934 – 7:30 pm

"H" told DRIP that he had come by his house around 5:30 pm to see him but that DRIP had not come to the door. DRIP told "H" he had been sleeping and to come see him now in 10 minutes. (It is noted that "H" placed Calls # 925 at 5:31 pm and #926 at 5:32 pm to DRIP which were not answered. Additionally, surveillance confirmed that at 5:30 pm "H" drove to DRIP's residence at 512 Blandina Street, Utica, where he remained outside until he left at 5:34 pm.)

July 22, 2008 Surveillance

7:50 pm – "H"'s Mercedes Benz, NY tag EEF 3379, was observed parked in DRIP's driveway at 512 Blandina Street. Also in the driveway was DRIP's green Ford Explorer, and a Ford Contour registered to ROCKY ROCK who is the brother and known drug associate of

DRIP's.

July 22, 2008 – Call #936 – 7:52 pm

During this call a drug customer known as Lex contacted "H" to see what was up. "H" told Lex that he was in the process of trying to see what was "gravy". (As was noted previously "gravy" was a common term "H" used to indicate to drug customers that he had cocaine for sale.) "H" told LEX he would call him back in an hour to let him know.

July 22, 2008 – Call # 937 – 8:14 pm

During this call MICHAEL WILLIAMS, who was also a drug customer of "H", asked "H" if it was "good". (It is noted that "good" is also a common term used by "H" to indicate that he had drugs.) "H" replied he was "conversating" right now and would call him back. It is noted that based on this call and the above surveillance it is reasonably believed that during this call "H" was inside DRIP's residence at 512 Blandina Street to pickup cocaine from DRIP.

July 22, 2008 Surveillance

8:30 pm - "H" drove away from 512 Blandina Street.

July 22, 2008 – Call # 939 – 8:31 pm

"H" told MICHAEL WILLIAMS he was coming to see him and that he should go out back real quick to meet him.

July 22, 2008 Surveillance

8:38 pm - "H"'s Mercedes Benz was observed parked in the driveway at MICHAEL WILLIAMS residence at 1549 Mohawk Street, Utica.

8:58 pm - "H"'s Mercedes Benz was gone from 1549 Mohawk Street.

July 23, 2008 – Call #1029 – 8:00 pm

ROCKY ROCK, who as was previously mentioned is DRIP's criminal associate, asked "H" if he was ready to "put some hours in". After "H" said yes they agreed to meet at 9:00 pm.

July 23, 2008 Surveillance

9:30 pm – A tan Sebring known to be driven by "H" and registered to "H"'s girlfriend was observed parked in the driveway at ROCKY ROCK's residence at 418 Blandina Street, Utica.

10:25 pm – The Sebring was no longer at 418 Blandina Street.

Based on the call with ROCKY ROCK and the associated surveillance it is believed that "H" went to ROCK ROCK's residence to help ROCK package cocaine.

After the above drug pickup at DRIP's residence the night of July 22, 2008, and the first drug delivery to MICHAEL WILLIAMS, subsequent calls and associated surveillances showed that "H" began completing drug transactions with his drug customers on a regular basis. A sampling of those calls were previously discussed above under the section dealing with "H"'s drug customers.

On July 30 and July 31, 2008, intercepted calls between "H" and his drug customers over Line 1 showed that "H" was collecting drug debts they owed him. "H" also told his customers that he was expecting a drug delivery within the next few days. Intercepted calls between "H" and DRIP over Line 1 during this same period showed that "H" was going to drop off the collected money to DRIP. Additionally, DRIP indicated that their drug shipment was about to arrive by car.

On August 2, 2008 an intercepted call with ROCKY ROCK indicated that ROCK was

giving "H" a small amount of cocaine to keep him supplied until the main cocaine shipment came in.

On August 3, 2008, intercepted calls with DRIP and ROCKY ROCK indicated that the cocaine shipment had arrived. Additionally, surveillance conducted on this day strongly supports this conclusion. The surveillance indicated that the primary members and leaders of BOP, "H", SEIS, DRIP, and MIKE AUSTIN aka SOSA, were at DRIP's residence at 512 Blandina Street on that day. It is particularly noteworthy that SOSA's car was observed near DRIP's residence. As was mentioned previously, numerous Confidential Sources identified SOSA as the leader of BOP who was responsible for coordinating cocaine shipments from New York City to Utica. Summaries of the relevant calls between July 30, 2008 and August 3, 2008 on Line 1 and related surveillance are as follows:

July 30, 2008 – Call #1524 – 12:51 pm – 315-534-0292

Drip told "H" to make sure he brought the "bread" so that DRIP could give the rest to the "nigger".

July 30, 2008 – Call #1529 – 1:36 pm – 315-534-0292

DRIP told "H" he was around the corner from DRIP's "crib" (512 Blandina Street, Utica, New York) and would be right there to see him.

July 30, 2008 – Call # 1530 – 1:37 pm – 315-534-0292

DRIP told "H" that the "Chom Bom" was playing in the "V" (vehicle) and that the "keys" were in it. When "H" did not understand this DRIP repeated that the "little Chom Bom" was playing in the rental (car) and the "keys" (cocaine) were in it. DRIP then told "H" to stay where he was because he was coming down the street now.

July 30, 2008 – Surveillance

At 1:38 pm a tan Sebring, NY tag EGU 5402 parked in front of 512 Blandina Street, Utica. About 10 minutes later DRIP arrived driving a green Ford Explorer, NY tag DYG 2045. Both “H” and DRIP entered 512 Blandina Street. At 2:15 pm “H” and DRIP exited 512 Blandina Street and drove away in their vehicles.

July 31, 2008 – Call #1603 – 1:13 pm – 315-534-0292

DRIP asked “H” if he was done. “H” replied he was and then asked DRIP if he had the “car keys”. “H” continued that he had everything “straight” (had collected his drug money) and would meet DRIP at his residence.

August 1, 2008

“H” did not make or receive any completed calls over Line 1 that day. Based on “H”’s prior call patterns during the wiretap on his cell phone, it is believed “H” did not use his phone that day because the drug shipment still had not arrived and therefore he did not have any cocaine to sell his customers.

August 2, 2008 – Call # 1736 – 1:10 pm – 315-527-9768

A male caller later identified as ROCKY ROCK talked to “H” about setting up a time to meet later. “H” agreed to go to ROCK’s house later that night at 9:00 pm.

August 2, 2008 – Call #1743 – 2:16 pm – 315-537-9768

ROCKY ROCK told “H” that he had a “little something” for him if he wanted it (i.e. a small amount of cocaine to keep “H” supplied until the large shipment of cocaine arrived). After “H” told ROCK that he was not in the area, ROCK stated that “H” was his next priority. ROCK continued that “as soon as I got it you got it”. “H” advised he would call ROCK later in the

afternoon. (It is noted that ROCKY ROCK, who is a convicted drug felon, is the brother and close associate of DRIP's. He is also known to frequent DRIP's residence at 512 Blandina Street, Utica.)

August 3, 2008 – Call #1811 – 1:47 pm – SUBJECT TELEPHONE #2

DRIP told "H" to come see him now because he had to leave soon. "H" said he would be there around 2:05 pm.

August 3, 2008 – Surveillance

2:12 pm – Tan Sebring, NY tag EGU 5402, known to be driven by "H", was parked in the driveway at 512 Blandina Street, Utica. Also parked in the driveway was DRIP's car, a green Ford Explorer, NY tag DYG 2045, and a white Jeep.

2:21 pm – A gray Mitsubishi SUV, NY tag EBL 7149, parked in front of 512 Blandina Street. SEIS exited the car and walked up the driveway of 512 Blandina Street.

2:27 pm – SEIS returned to his car, opened the driver's side door then walked back up the driveway.

2:33 pm - The Sebring exited 512 Blandina Street.

2:39 pm – The Sebring returned to 512 Blandina Street.

3:16 pm – Both "H" and DRIP were observed driving their respective vehicles in the vicinity of Second Avenue, Utica.

August 3, 2008 – Call # 1815 – 3:17 pm – 315-527-9768

"H" told ROCKY ROCK that he had just left his brother's house (DRIP's house) and was now in front of ROCK's house. ROCK told "H" to meet him at the intersection of Lansing Street and Morris Avenue.

August 3, 2008 – Call 1816 – 3:17 pm – 315-527- 9768

ROCK told “H” to meet him instead at the Bank of America ATM on Mohawk Street.

August 3, 2008 Surveillance

3:19 pm – Tan Sebring, NY tag EGU 5402, driven by “H” parked in the Bank of America parking lot on Mohawk Street.

3:22 pm – Green pickup truck with “Gro-Green” on the side, driven by ROCKY ROCK, parked alongside the Sebring.

3:26 pm – Both vehicles drove away.

Based on the above call and surveillance it is believed that ROCKY ROCK met “H” to deliver cocaine to him. Additionally, it is noted that 17 minutes after “H” met ROCKY ROCK, a call intercept on Line 1 and associated surveillance showed that “H” made a cocaine delivery to GINO PLACANICA.

August 3, 2008 – Call # 1844 – 9:08 pm – 315-534-0292

“H” asked DRIP if he was home. DRIP said he had to leave for a moment but that “H” could go in.

August 3, 2008 – Surveillance

9:10 pm – A tan Sebring, NY tag EGU 5402, known to be driven by “H”, was parked in the driveway of DRIP’s residence at 512 Blandina Street.

9:25 pm – A gray Honda Civic, NY tag DZW 8369 (registered to MICHAEL E. AUSTIN a/k/a SOSA, dob: 11/17/1978) was parked near 512 Blandina Street. (As was noted previously, CS 4 stated that SOSA had a “trap” in this car that was used to conceal drugs.)

On August 4, 2008, call intercepts on Line 1 and associated surveillance, much of which

was previously discussed under the above section dealing with "H"'s drug customers, showed that HAROLD CARR a/k/a "H", HENNY made cocaine deliveries to many of his regular drug customers that day. Specifically, on that day there were a total of 44 pertinent calls between HAROLD CARR a/k/a "H" and fifteen of his drug customers. This drug activity provides additional corroboration that cocaine was received by "H" from DRIP on August 3, 2008.

Line 1 Calls With WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY And Related Surveillance

By way of background and as was more fully detailed in the CS 2, CS 4 and CS 5 sections of this affidavit, even though most BOP members are convicted felons they frequently carry guns. Specifically, WHITNEY FOWLER a/k/a SEIS was singled out as frequently being in possession of numerous guns. Wire intercepts on Line 1 also show that in addition to drug trafficking SEIS is the point of contact for BOP members and drug dealers who need to acquire guns.

On July 26, 2008, intercepted calls initially indicated that SEIS was involved in a shooting incident at an after hours party in Utica. Other intercepted calls showed SEIS frequently carried a gun and that PABLO GOICO, who is a convicted violent felon and one of "H"'s drug customers, was attempting to purchase a gun. Summaries of these calls are as follows:

July 26, 2008 – Call #1186 – 12:34 pm – 315-601-1036

"H" asked DRIP if he had heard about FATTY (which is another a/k/a for WHITNEY FOWLER) getting shot at.

July 21, 2008 – Call #1191 – 12:41 pm – 315-219-0814

"H" asked his sister CHRISTINE CARR a/k/a GHETTO if FATTY had a "yam" (gun)

with him when the shooting occurred. She stated she knew FATTY always carried a gun but she did not know if he had it because she did not actually see the shooting.

July 26, 2008 – Call #1201 – 2:24 pm – 315-219-0814

GHETTO told “H” that she had gone to Herb Phillipson’s (a sporting goods store in New Hartford, New York) with PABLO (GOICO) but that it did not have what he wanted so she was going to another gun store. “H” told them to go to Walmart and Gander Mountain (another sporting goods store).

As was already mentioned in the section of this affidavit discussing PABLO GOICO, on August 2, 2008, PABLO told “H” he needed to get a gun. “H” told PABLO that FATBOY (another a/k/a for WHITNEY FOWLER) would help him out and told him to contact FATBOY at 315-507-0656. “H” also mentioned that FATBOY held a gun for him. “H” then called SEIS at 315-507-0656 and told him PABLO would be calling him. Summaries of these intercepted calls and associated surveillances are as follows:

August 2, 2008 – Call #1740 – 2:01 pm – 315-292-0997

“H” told PABLO that he was about to go to FATBOY’s “crib”. PABLO then told “H” that all he had to carry was a “rusty shit” and that it was a “little boy”. PABLO continued that GHETTO was holding it for him now but that he had to give it back to the guy he borrowed it from. “H” stated that he had a new number for FATBOY and that PABLO needed to call him about his situation. “H” stated that the number was 315-507-0656. “H” told PABLO that “right now he (FATBOY) could help” him. “H” told PABLO that he should keep calling FATBOY because he screened his calls and was hard to get a hold off. “H” stated that FATBOY was holding onto “something” of his. “H” also agreed to personally bring PABLO to see FATBOY if

necessary.

August 2, 2008 – Call #1741 – 2:05 pm – 315-507-0656

“H” told FATBOY that he had just given his number to PABLO because he needed to “holler” at him. When FATBOY asked “H” “what’s that nigger want to talk to me about” “H” replied “um, you know, I mean he’ll tell you. It probably ain’t what you’re thinking about” (drug business). FATBOY stated that he was at his “crib” waiting for BUDDHA (BOP member JAMIE THOMPSON) to come over. “H” stated that he was also going to come see him.

It is also noted that subpoenaed call records for WHITNEY FOWLER’s cell phone, 315-507-0656, show that on August 2, 2008 at 2:07 pm an incoming call was made to this cell phone from PABLO GOICO’s cell phone number 315-292-0997. This call occurred just six minutes after “H” told PABLO to call FATBOY to get a gun. Additionally, these call records showed that between August 2, 2008 and August 6, 2008 there were a total of 5 calls between these cell phones.

Line 3 Calls With ANDREW WYMES a/k/a DRIP and ROCKY ROCK

From August 25, 2008 through September 23, 2008 call intercepts on Line 3 which is a cell phone subscribed to by ANDREW WYMES, 512 Blandina Street, Utica, New York, show that DRIP used this cell phone to distribute cocaine and/or crack cocaine, communicate with other BOP members about their drug operation, launder his drug proceeds and set up drug deliveries from his Long Island supplier. A sampling of these calls and related surveillances is as follows:

Drug Distribution Calls

August 25, 2008

Call #2 – 315-724-3785 – 8:49 pm

A female caller later identified as Sheena Stockton told DRIP that she had no "food". DRIP stated that he would get her something and told her to come see him at work.

Surveillance

9:07 pm – A white Pontiac pulled into the Citgo gas station in north Utica. DRIP who was working there talked to the driver.

10:01 pm – The Pontiac was observed parked in front of 512 Blandina Street, Utica.

10:06 pm – The Pontiac left 512 Blandina Street.

Call #7 – 315-790-5782 – 10:09 pm

DRIP asked his sister Alice Fenimore, who lives on the first floor at 512 Blandina Street, Utica, below DRIP who resides on the second floor apartment, if SHEENA had come to see her yet. Fenimore stated that she had come and asked for "one". Fenimore stated that she gave it to her. Fenimore continued "I gave her one right?" DRIP replied "yup". Fenimore stated that "there were two ones and one that looked like (unintelligible)". DRIP again replied "yup".

Surveillance

10:14 pm – The Pontiac returned to the Citgo station in north Utica and DRIP again talked to the driver.

Based on my training and experience I believe that the above calls and surveillances show that DRIP had his sister supply Sheena Stockton with powder and/or crack cocaine.

August 31, 2008

Call #315 – 315-733-1472 – 9:08 pm

DRIP told Clue he was "hollering" at Lang right now and then he was going to "check" Clue's "shortie" (girlfriend). DRIP stated then he was going to FATBOY's crib (the residence of

BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY which is located at 1629 Elm Street, Utica). Clue stated that his "shortie" was in the "crib" on Jewett (Place) in the upstairs back apartment. DRIP told Clue to tell his "shortie" that he would be there at 9:30 pm. (It is noted that in this call and other calls the term "holler" was frequently used by DRIP when he met with other BOP members and drug dealers. Based on my training and experience it is believed that DRIP used "holler" to indicate when drugs and/or money needed to be picked up or delivered by him. Additionally, it is noted that based on my training and experience the term "check" is commonly used by a drug dealer to indicate that he is about to make a drug delivery).

Call #316 – 315-733-1472- 9:43 pm

DRIP told Clue's "shortie" that he was pulling into the driveway now and asked her to come see him.

Surveillance

9:45 pm – A black Honda Accord, New York tag EBL 8051, registered to DRIP's sister Marlene Thompson and known to be owned and driven by DRIP, turned onto Jewett Place, Utica. The Honda then parked in the driveway at 10 Jewett Place.

9:50 pm – The Honda left 10 Jewett Place.

Based on my training and experience I believe that the above calls and surveillance show that DRIP went to 10 Jewett Place to make a drug delivery. Additionally, as will be discussed in further detail later in this affidavit the Honda that DRIP used to make the drug delivery is believed to have a "trap" in it to hide drugs.

September 8, 2008

Call #638 – 315-525-9638 – 2:27 pm

An unknown male caller needed to see DRIP who was at work. DRIP told him to come to his job. The caller stated that he would call DRIP before he came.

Call #642 – 315-525-9638 – 5:36 pm

The unknown male caller told DRIP he would come by to look at “it” in half an hour.

Surveillance

6:18 pm – A white Toyota Camry parked at the Citgo gas station in north Utica. The male driver exited the car and went in the office where he met DRIP.

6:22 pm – The male driver exited the office and drove away.

Call #652 – 315-525-9638 – 7:15 pm

The unknown male caller complained to DRIP about some “shit” DRIP gave him that was weak.

September 22, 2008

Call #1077 – 315-525-9638 – 8:43 pm

DRIP told the unknown male caller to stop by his job.

Surveillance

9:19 pm – A white Toyota Camry, New York tag AKB 1091, driven by an Asian male, pulled into the Citgo gas station in north Utica. The driver talked to DRIP.

Call #1081 – 315-525-9638 – 9:35 pm

DRIP told the unknown male caller to come back to see him for a second.

Call #1085 – 315-525-9638 – 9:35 pm

The unknown male caller agreed to meet DRIP at his residence.

Based on my training and experience I believe that the above calls and surveillances show

that the above unknown male caller met DRIP to purchase powder and/or crack cocaine.

Calls Relating To DRIP's Hidden Ownership of Vehicles

Call intercepts, surveillance and public records checks show that DRIP has at least three vehicles that he owns and uses in his drug business registered in the names of other individuals. A sampling of these calls is as follows:

September 1, 2008

Call #343 – 315-542-6454 – 6:30 pm

DRIP's sister Marlene Thompson asked DRIP if he forgot about the insurance that had to be paid. DRIP stated that he would write a check tomorrow because he had to "hit" Pokey and give a whole bunch of people some cash. DRIP then mentioned that they were still waiting to hear from the "dude". As the black Honda Accord, New York tag EBL 8051, which DRIP drove, is registered to Marlene Thompson it is believed that during this call Thompson was asking him to pay the car insurance on the Honda.

September 12, 2008

Calls #773 and #774 – 315-542-6454 – 11:35 am, 11:51 pm

DRIP told Marlene Thompson that he needed her to get new keys made for the black 2003 Honda Accord, VIN 18GCM66543A057468, NY tag. EBL 8051.

September 13, 2008

Call #826 – 347-231-9731 – 11:07

DRIP complained to his girlfriend "Baby Girl" that he had to get keys made for his Honda. Drip thought FATTY (BOP leader WHITNEY FOWLER a/k/a SEIS FATTIE) had lost one of the keys to the Honda. DRIP stated that he did not know where the other key went.

September 18, 2008

Call #966 - 315-765-1540 – 11:22 pm

DRIP told his girlfriend Celeste to get some personal use marijuana that he had left in the car in the compartment under the radio. DRIP told her that the “weed” was “in the thing that you push and then it comes up above the gear shift thing underneath the radio”. As other call intercepts show that DRIP sometimes let his girlfriend Celeste drive the black Honda and CS 4 recently advised that DRIP had a “trap” under the radio in the Honda, it is believed that in this call DRIP was telling Celeste how to activate the “trap” in the Honda.

Based on my training and experience it is believed that the above calls relating to the Honda show that DRIP is the actual owner of this car and that it is used by him in his drug business to transport drugs.

September 9, 2008

Call #692 – 315-724-3785 – 9:20 pm

DRIP asked Sheena Stockton if the title came. After STOCKTON stated that it did, DRIP told her that he needed it because he had to give it tomorrow to the “dude” who needed it.

September 12, 2008

Call #793 – 315-724-3785 – 3:28 pm

Sheena Stockton asked DRIP if they had to change the insurance. DRIP stated that it had already been taken care of and that it would come in the mail to them. DRIP stated that he already had the “temporaries” and that the car was the same model but a different color and package. DRIP stated that he was supposed to “shoot down there” (Long Island) to see “son” but that he did not know if it would be this week

As is mentioned later in this affidavit, on September 20, 2008, DRIP drove a gray/green 2005 Jeep, New York tag EKX 2230, to Long Island and is believed to have returned to Utica with a load of cocaine. Record checks conducted on this Jeep show that it was recently registered to SHEENA STOCKTON.

Based on the above calls and DRIP's trip to Long Island on September 20, 2008, it is believed that DRIP is the true owner of the 2005 Jeep and that he uses it to conduct his drug business.

Numerous surveillances conducted on DRIP since July 2008 show that he drives a green Ford Explorer, New York tag DYG 2045, on a daily basis. This vehicle is registered to DRIP's mother, Kathleen Tyrrell, 410 Blandina Street, Utica. Additionally, as was mentioned previously, CS 3 recently advised that he has made numerous cocaine purchases from DRIP in the Explorer. Based on this information it is believed that DRIP is the true owner of the Explorer and that he uses it to conduct his drug business.

Calls With Other BOP Members

DRIP was in frequent contact with other BOP members including JAMIE THOMPSON a/k/a BUDDHA and JERMAINE GARY a/k/a HALF. A sampling of these calls and related surveillances is as follows:

August 27, 2008

Call # 50 — 315-542-0556- 10:50 am

DRIP told BUDDHA that DRIP was not on the same page as FATTY (BOP leader WHITNEY FOWLER a/k/a SEIS, FATTIE), HUNCHBACK (BOP leader MICHAEL AUSTIN) and BUDDHA's brother. DRIP stated that it (i.e. their drug operation) was not a game and never was. At

the end of the call BUDDAH asked DRIP if he could “holler” at him before DRIP went to work. DRIP told BUDDHA to come see him. BUDDHA stated that he would be there in 10 minutes. As was mentioned previously, it is noted that this call and other calls show the term “holler” was frequently used by DRIP. Based on my training and experience, it is believed that BUDDHA and DRIP used “holler” to indicate when drugs and/or money needed to be picked up or delivered by one of them.

Surveillance

11:46 am – A gray Passat, New York tag CZF 6502, which is registered to BUDDHA’s girlfriend and known to be driven by BUDDHA, was observed parked in the driveway of DRIP’s residence at 512 Blandina Street, Utica. DRIP and BUDDHA then exited the rear of the residence. BUDDHA drove away in the Passat. DRIP drove away in his green Ford Explorer, NY tag DYG 2045.

August 28, 2008

Call #114 – 315-542-0556 - 9:56 am

BUDDHA told DRIP he was there. DRIP told BUDDHA to come to the front door.

Call #115 – 315-542-0556 – 10:18 am

BUDDHA told DRIP he was coming right now.

Surveillance

10:47 am – A Passat, New York tag CZF 6502, known to be driven by BUDDHA, was parked in the driveway at 512 Blandina Street, Utica. Also in the driveway were DRIP’s green Ford Explorer, New York tag DYG 2045, and a Chevy Trailblazer, New York tag DVY 7671, known to be driven by BOP member JERMAINE GARY a/k/a HALF. Five people were observed outside at a

table behind 512 Blandina Street.

August 30, 2008

Call #244 – 315-542-0556 – 2:25 pm

DRIP and BUDDHA agreed to “holler” at each other later.

September 1, 2008

Call #328 – 315-542-0556 – 12:36 pm

DRIP told BUDDHA that he was with BUDDHA’s brother (JERMAINE GARY a/k/a HALF) on Neilson Street. BUDDHA asked DRIP if he wanted him to “holler” at DRIP when he left where he was. DRIP said yes but that he needed to see him before 2:30 pm. BUDDHA stated that he would meet DRIP in 15 minutes.

Call #334 – 315-542-0556- 1:26 pm

DRIP called BUDDHA to make sure he was still coming.

Call #335 – 315-542-0556 – 1:31 pm

BUDDHA told DRIP that he was waiting outside.

September 4, 2008

Call #482 – 315-507-0574 – 8:10 pm

JERMAINE GARY a/k/a HALF told DRIP that the “boy” was out. DRIP told HALF to send him on to him. Based on my training and experience it is believed that during this call HALF was telling DRIP that one of DRIP’s workers was out of cocaine and needed to be resupplied.

September 8, 2008

Call # 690 – 315-525-9638 – 6:19 pm

DRIP told an unknown male caller that he was at the “lab” and asked the caller to come there.

It is noted that the term "lab" is often used by drug dealers to refer to a location they cook crack cocaine at.

September 17, 2008

Call #919 – 315-542-0556 – 11:26 am

DRIP told BUDDHA he was pulling into his driveway.

Surveillance

At approximately 11:45 am, DRIP's green Ford Explorer, New York tag DYG 2045, was observed parked at 120 Arlington Place, which is BUDDHA's residence. Approximately 10 minutes later DRIP exited the residence and left in the Explorer.

Line 4 Drug Calls by WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY

The following is a sampling of Line 4 calls between WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY and some of his drug customers:

August 28, 2008

Call #40 – 315-723-7375- 7:16 pm

An unknown male caller told WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY that he would "hit" him later that day but that it would probably not be until after midnight.

September 1, 2008

#108 – 315-723-7375 – 8:20 pm

An unknown male caller told SEIS that he was sorry about the delay and that SEIS should come "check" him. SEIS stated that he would come right now.

Call #109 – 315-723-7375 – 8:48 pm

SEIS told the unknown male caller that he was there and the caller should come downstairs.

Facts in Support of Requested Search Warrants For: (1) 410 Blandina Street, Utica, New York; and (2) 512 Blandina Street, 1st Floor Apt., Utica, New York and 512 Blandina, Street, 2nd Floor Apt., Utica, New York

National Grid records for 410 Blandina Street, Utica, New York, show that the utilities for this residence are in the name of Kathleen Tyrrell, who is the mother of ANDREW WYMES a/k/a DRIP. National Grid records for 512 Blandina Street, 1st and 2nd floor apartments, Utica, New York, show that the utilities for both these apartments are in the name of Nelson Wymes, who is believed to be DRIP's father. Subpoenaed credit records for ANDREW WYMES show current addresses for him at both 410 Blandina Street and 512 Blandina Street, Utica, New York. DRIP's New York State parole address is 512 Blandina Street, Utica, New York.

Previously mentioned calls and surveillance show that ANDREW WYMES a/k/a DRIP resides at 512 Blandina Street, second floor apartment and that his sister Alice Fenimore resides at 512 Blandina Street, 1st floor apartment. These calls and surveillance also show that DRIP frequently meets other BOP members at both the first floor and second floor apartments at 512 Blandina Street. Additionally, based on previously mentioned Line 1 calls and surveillance from July 22, 2008 and August 3, 2008 it is believed cocaine was delivered to DRIP at 512 Blandina Street on those days. It is also noted that previously mentioned Line 3 calls and surveillance from August 25, 2008 show that DRIP directed a drug customer to his sister Alice Fenimore at 512 Blandina Street and that she gave the customer "one".

Additional Line 3 Calls Showing the Storage of Drugs, Guns and/or Money At 410 Blandina Street and 512 Blandina Street

August 27, 2008

Call # 78 – 315-723-5320 – 2:40 pm

DRIP told his worker ALAMO to go to DRIP's house (512 Blandina Street, Utica) right now because a neighbor told him that someone was trying to break in there. After ALAMO told DRIP that he was already there a neighbor took ALAMO's cell phone and DRIP told her to give the shed key to ALAMO. ALAMO then came back on the phone and DRIP told him to get in the shed and go to the back wall near a refrigerator where he would see a blue clothes hamper. DRIP told ALAMO to open the hamper and carefully pick up some camo clothes that were in it. As ALAMO was pulling up the clothes he then told DRIP "I got it". DRIP told ALAMO to stay there and then at 3:00 pm one of his men from work would come there to handle things.

Surveillance

3:16 pm – ROCKY ROCK who is DRIP's brother and criminal associate was observed entering 512 Blandina Street, Utica.

Call #83 – 315-542-6134 – 3:20 pm

ROCKY ROCK told DRIP that he "picked up his girl and got all the forks and knives and everything". DRIP stated that he would see ROCK later around 6:00 or 6:30.

Surveillance

3:25 pm – ROCKY ROCK exited 512 Blandina Street carrying a dark colored shoulder bag and was followed by an unknown black male. ROCK then entered 418 Blandina Street.

Call #88 – 315-723-5320 – 3:46 pm

DRIP told ALAMO that ROCKY had been there (512 Blandina Street) and that everything was good. ALAMO stated that he had been with ROCKY the whole time and was now back (at 512 Blandina Street). DRIP asked ALAMO "did you give that to him?" ALAMO stated that he (ROCKY

ROCK) put them both of them in DRIP's mother's basement (410 Blandina Street). DRIP replied all right and that he would meet ALAMO at 6:00 or 6:30.

It is noted that public record checks, call intercepts and surveillance shows that ROCKY ROCK resides at 418 Blandina Street which is next door to 410 Blandina Street.

It is also noted that CS 3 advised on September 18, 2008 as follows:

CS 3 made numerous cocaine purchases over the last four years from DRIP and WHITNEY FOWLER a/k/a SEIS. Many of the cocaine purchases from DRIP occurred at DRIP's mother's house on Blandina Street, the front porch of DRIP's house on Blandina Street and inside DRIP's vehicle, a green Ford Explorer. CS stated that two or three times he bought a total of approximately two ounces of crack from DRIP.

CS 3 noted that DRIP's residence is about a block from his mother's house on Blandina Street. CS 3 advised that DRIP's mother is an older white female. CS 3 also advised that DRIP's mother's house is located right next to the residence of ROCKY ROCK, who is DRIP's brother. CS 3 advised that approximately one year ago, a Utica drug dealer, told CS 3 that he sold cocaine at a Utica bar for ROCKY ROCK. The drug dealer also stated that ROCKY ROCK obtained his cocaine from DRIP.

CS 3 advised that one of his drug associates was fronted three to six ounces of cocaine every other day by DRIP. CS 3 observed many of these drug deals. CS 3's drug associate also told CS 3 that DRIP kept his cocaine in a safe at his mother's house on Blandina Street.

Based on the above calls and surveillance on August 27, 2008 and the above CS 3 information it is believed that on that day drugs and guns were removed from 512 Blandina Street, Utica and brought to ROCKY ROCK's residence at 418 Blandina Street and Kathleen

Tyrrell's residence at 410 Blandina Street.

Line 3 Calls Relating to DRIP's Trip to Long Island on September, 2008

September 18, 2008

Call # 957 – 631-434-1927 – 5:38 pm

DRIP called Marshel Singleton who is believed to reside in the Brentwood, New York area of Long Island. DRIP asked for her brother Devon Singleton's phone number. DRIP explained that he needed to talk to him because some homicide detectives from the Suffolk County Police Department had just questioned him about a homicide and also wanted to talk to Devin. She stated that Devin's number was 631-662-7058.

September 19, 2008

Call # 990 – 631-662-7058 – 9:14 pm

DRIP told Devon Singleton that he had got his insurance cards today and was "good to go now". (As was mentioned previously, DRIP is referring to a new Jeep he was now driving that was just registered and insured in the name of Sheena Stockton). DRIP stated that he had not left yet and wanted to know what was up with "Honkey" before he came. Singleton stated he was in a "tight situation" right now. DRIP acknowledged that he understood and told SINGLETON not to say anymore. DRIP told SINGLETON he would "hit" (i.e. call) him when he was "around the way" (in the Long Island area).

September 20, 2008

Call intercepts from the morning of September 20, 2008 showed that DRIP was leaving Utica on a trip. At approximately 12:47 pm call data information from Line 3 showed DRIP was in the Bronx, New York area.

Call #1015 – 631-662-7058 – 1:49 pm

DRIP told an unknown female (who answered Devon Singleton's cell phone) that he was at the back door. She advised she would let him in. Based on this call and call data information from Line 3 it is believed that DRIP was in the Brentwood, Long Island area.

Call #1017 – 315-542-0556 – 2:34 pm

BUDDHA asked DRIP what was "good". DRIP stated that he would call BUDDHA later.

Call #1018 – 315-765-1540 – 4:13 pm

Call data information from this call shows DRIP was in the Yonkers, New York area at the time of this call.

Surveillance

7:49 pm – DRIP was observed exiting the New York State Thruway at exit 30 (the Herkimer, New York exit, which is just east of Utica). DRIP was driving a gray Jeep, New York tag EKX 2230.

Call #1025 – 315-542-0556 – 7:50 pm

DRIP asked BUDDHA to "come through real fast". BUDDHA stated he would be there in 15 minutes.

Surveillance

8:01 pm – DRIP pulled into driveway at 410 Blandina Street, Utica and parked in front of the gate of a privacy fence.

8:07 pm – DRIP opened the gate and drove down the driveway then closed the gate.

8:18 pm – A Passat, New York tag CZF 6502, driven by BUDDHA parked pulled into the driveway at 512 Blandina Street.

8:23 pm – DRIP started the Jeep which was behind the privacy fence and opened the gate. DRIP then backed the Jeep out and closed the gate.

8:24 pm – DRIP drove from 410 Blandina Street to 514 Blandina Street where he parked the Jeep.

8:25 pm – BUDDHA and unknown black male exit 512 Blandina Street through the west rear door and walk up the driveway at 514 Blandina Street.

8:32 pm – DRIP, BUDDHA and the unknown black male walk out from the driveway of 514 Blandina Street. DRIP and the unknown black male went into 512 Blandina Street through the west rear door. BUDDHA entered the Passat.

8:40 pm – The Passat backed out of the driveway at 512 Blandina Street and drove to BUDDHA's residence at 5 Arlington Terrace, Utica. BUDDHA exited the Passat and entered his residence.

Call #1027 – 315-732-0470 – 8:30 pm

DRIP's mother, Kathleen Tyrrell, called from the hard line at 410 Blandina Street and told DRIP that the kid next door told her there was an undercover cop on the corner watching everything. DRIP stated that he believed it.

Call #337 – 315-542-0556 – 8:37 pm

BUDDHA called DRIP and told him that the information (about the undercover cop) was crazy and he was not even on that block. (It is apparent from this call that DRIP called BUDDHA from another phone and told him about the undercover cop on Blandina Street).

Based on the above calls from September 19 and 20, 2008 and the related surveillance from September 20, 2008 it is believed that on September 20, 2008 DRIP drove to Long Island to

pickup cocaine and then returned to Utica. Specifically, it is noted that based on call intercept data from Line 3 DRIP drove all the way to Long Island and only remained there for about two hours before driving right back to Utica. When DRIP returned to Utica he drove to his mother's residence at 410 Blandina Street. As was noted previously, DRIP's mother's residence at 410 Blandina Street is believed to be a location where DRIP stores guns money and/or drugs. Additionally, DRIP's mother's call to him warning of an undercover cop on Blandina Street right after DRIP left her house provides further corroboration that DRIP returned to Utica with cocaine. It is also believed that based on the calls and surveillance from September 20, 2008 that BUDDHA picked up cocaine from DRIP at 512 Blandina Street and then returned to his residence at 5 Arlington Terrace with the cocaine.

Based upon the above, there is probable cause to believe that evidence of drug trafficking activity will be found at 410 Blandina Street, Utica, New York, 512 Blandina Street, 1st floor apartment, Utica, New York and 512 Blandina Street, 2nd floor apartment, Utica, New York, including but not limited to narcotics, packaging, paraphernalia, drug records, and the like.

Facts in Support of Requested Search Warrant For 1629 Elm Street, 1st Floor apartment, Utica, New York

National Grid records for 1629 Elm Street, Utica, New York, show that the utilities for the first floor apartment are in the name of WHITNEY FOWLER. Additionally, credit records obtained for WHITNEY FOWLER show his address as 1629 Elm Street, apt. 1, Utica, New York. Real estate records for 1629 Elm Street, Utica, New York show that this residence is owned by Nadine Allen, who is FOWLER'S mother.

During surveillance conducted in this investigation from July 2008 to the present WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY has been observed on numerous occasions entering and exiting the residence at 1629 Elm Street. Additionally, vehicles driven by SEIS have been observed parked at this residence on a regular basis during this time period. One of these vehicles is a gray Mitsubishi Endeavor, New York tag EBL 7149, which is registered to Nadine Allen, 1629 Elm Street, apartment 2, Utica, New York. BOP members including HAROLD CARR a/k/a "H", HENNY and JERMAINE GARY a/k/a HALF and/or their vehicles have also been observed at 1629 Elm Street.

Second Controlled Buy By CS 3 With WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY

On October 6, 2008 at 1:27 pm CS 3 recorded a call he placed to WHITNEY FOWLER a/k/a SEIS, FATTIE, FATBOY at cell phone number 315-334-3346. During the call CS 3 asked SEIS to come see him at a Utica location. SEIS stated that he would meet CS 3 when he was in the area. CS 3 understood this call to mean that SEIS would meet CS 3 to sell him cocaine a little later. At 3:39 pm SEIS called CS 3 and stated that he would meet CS 3 after he "re-upped" (picked up cocaine). At 3:58 pm a gray Mitsubishi Endeavor, NY tag EBL 7149, parked at 1629 Elm Street, Utica, which is the residence of SEIS. SEIS exited the vehicle, went into 1629 Elm Street for a few minutes then returned to his vehicle and drove away. At 4:07 pm the Endeavor arrived at the Utica location CS 3 was at. SEIS gave CS 3 two tied off plastic baggies containing a white powdery substance that CS 3 believed was two ounces of cocaine. After CS 3 gave SEIS \$3,000 SEIS drove away. At 4:13 pm CS 3 met SA Anthony R. Fitzgerald and Oneida County Drug Task Force Investigator Brad Pietryka at a nearby location. CS 3 then turned over the two

tied off plastic baggies he purchased from SEIS and a body recording he made of his drug deal with SEIS to Inv. Pietryka.

On October 7, 2008 Inv. Pietryka determined that the above two plastic baggies and their contents weighed 56.1 grams and field tested positive for the presence of cocaine.

Based upon the above, there is probable cause to believe that evidence of drug trafficking activity will be found at 1629 Elm Street, first floor apartment, Utica, New York, including but not limited to narcotics, packaging, paraphernalia, drug records, and the like.

Facts in Support of Requested Search Warrant For 111 Hawthorne Avenue, Utica, New York

On September 5, 2008 call intercepts on Line 5 and follow up surveillance showed that MICHAEL AUSTIN a/k/a SOSA resided at 111 Hawthorne Avenue, Utica, New York. As has been previously discussed, SOSA is one of the leaders of BOP. These calls and surveillance are as follows:

September 5, 2008

Call #34 – 315-542-1319 – 8:51 pm

During this call HAROLD CARR a/k/a “H”, HENNY told MICHAEL AUSTIN a/k/a SOSA that he would stop by his “crib”.

Surveillance

9:25 pm – A gray Honda Accord, New York tag EEF 3379, was observed parking at 111 Hawthorne Avenue, Utica. HAROLD CARR a/k/a “H” exited the car and met MICHAEL AUSTIN a/k/a SOSA. Parked in the driveway at 111 Hawthorne Avenue was a 2004 Mercedes Benz S430, New York tag DNY 1538, which is registered to MICHAEL AUSTIN.

9:43 pm – “H” and SOSA were observed smoking marijuana on the front porch at 111 Hawthorne Avenue.

9:48 pm – “H” left 111 Hawthorne Avenue in his Accord.

9:53 pm - SOSA walked into 111 Hawthorne Avenue.

The below three crack cocaine buys made by CS 4 with MICHAEL AUSTIN a/k/a SOSA in October 2008 also show that SOSA resides at 111 Hawthorne Avenue, Utica, New York.

First Controlled Buy By CS 4 With MICHAEL AUSTIN a/k/a SOSA

On October 7, 2008 at 4:22 pm CS 4 called MICHAEL AUSTIN a/k/a SOSA at cell phone number 315-542-1319. During this recorded call SOSA agreed to meet with CS 4. At 4:40 pm CS 4 met SOSA in SOSA’s Mercedes Benz bearing New York tag DNY1538. During this meeting SOSA agreed to sell CS 4 crack cocaine or powder cocaine for \$625.00 for one half ounce. SOSA told CS 4 that he would call CS 4 when he was ready to do the deal and did not want CS 4 to talk to him on the phone about it. At 4:30 pm CS 4 again called SOSA at cell phone number 315-542-1319. During this call SOSA stated that he would come to see CS 4 in about an hour. CS 4 understood this to mean that SOSA would sell crack cocaine to CS 4 in an hour. At 5:35 pm CS 4 made another call to SOSA at the same number. During this call SOSA stated that he would meet CS 4 in 10 minutes. After this call CS 4’s person was searched for contraband with negative results and CS 4 was then given \$625.00 to make the purchase of crack cocaine from SOSA.

Also on October 7, 2008 at 5:45 pm a motorcycle driven by an unknown subject wearing a helmet with a mohawk on top of it parked in front of 111 Hawthorne Avenue, Utica, New York, which is known to be the residence of MICHAEL AUSTIN a/k/a SOSA. At 5:50 pm the

same unknown subject drove away from 111 Hawthorne Avenue on the motorcycle. At 5:54 pm SOSA was observed exiting 111 Hawthorne Avenue, and entering his Mercedes Benz, New York tag DNY1538. SOSA then drove away from his residence and at 5:58 pm was observed meeting CS 4 on a Utica street. At 5:59 pm CS 4 was observed getting in SOSA's Mercedes Benz where he remained until 6:15 pm. During this time SOSA gave CS 4 a tied off plastic baggie containing a off white chunky substance which CS 4 believed was one half ounce of crack cocaine. CS 4 in turn gave SOSA \$625.00. At 6:16 pm CS 4 turned over the item he purchased from SOSA to Oneida County Drug Task Force Investigator Brad Pietryka. Inv. Pietryka then searched CS 4 for contraband with negative results. At 6:30 pm Inv. Pietryka determined that this item field tested positive for the presence of cocaine and weighed 15 grams.

Second Controlled Buy By CS 4 With MICHAEL AUSTIN a/k/a SOSA

On October 13, 2008 at 1:55 pm CS 4 called MICHAEL AUSTIN a/k/a SOSA at cell phone number 315-542-1319. During this call SOSA agreed to meet with CS 4 at a Utica location. At 2:02 pm CS 4 was observed entering a Mercedes Benz, New York tag DNY1538, which was driven by SOSA. During this meeting SOSA agreed to sell CS 4 one ounce of crack cocaine but stated that he had to wait to get a key from HALF (JERMAINE GARY) first. SOSA told CS 4 that he would call CS 4 when he was ready to do their deal. At 2:35 pm CS 4's person was searched for contraband with negative results and CS 4 was then given \$1,380.00 to make the purchase of crack cocaine from SOSA. At 2:49 pm SOSA's Mercedes Benz was observed parked at 111 Hawthorne Avenue, Utica. At 4:20 pm CS 4 called SOSA at cell phone number 315-542-1319. During this call SOSA stated that he would meet CS 4 in 30 minutes. At 4:50 pm SOSA was observed exiting 111 Hawthorne Avenue and driving away in his Mercedes Benz.

SOSA drove to the intersection of Third Avenue and Blandina Street, Utica, where he was observed picking up an unknown Hispanic male. They then drove to a Utica location where at 5:24 pm CS 4 was observed entering the Mercedes Benz. SOSA told CS 4 that the unknown Hispanic male with him was called STAR. After CS 4 gave SOSA \$1,380.00 STAR gave CS 4 a tied off plastic baggie containing an off white chunky substance that CS 4 believed was one ounce of crack cocaine. At 5:28 pm CS 4 exited the Mercedes Benz. At 5:29 pm CS 4 turned over custody of the item he purchased from SOSA and STAR to Oneida County Drug Task Force Investigator Brad Pietryka. CS 4's person was again searched for contraband with negative results. At 5:40 pm Inv. Pietryka determined that this item field tested positive for the presence of cocaine and weighed 29 grams.

Third Controlled Buy By CS 4 With MICHAEL AUSTIN a/k/a SOSA

On October 15, 2008 at 11:15 am CS 4 called MICHAEL AUSTIN a/k/a SOSA at cell phone number 315-542-1319. During this call SOSA agreed to meet with CS 4. At 11:17 am SOSA and JERMAINE GARY a/k/a HALF were observed exiting 111 Hawthorne Avenue, Utica, New York. They drove away in HALF's Chevy Trailblazer, New York tag DVY7671. At 11:27 am CS 4's person was searched for contraband with negative results and he was given \$1,300.00 to make a purchase of one ounce of crack cocaine from SOSA. Also, at 11:27 am SOSA called CS 4 from cell phone number 315-542-1319. CS 4 told SOSA that he was nearby and would meet him shortly. At 11:29 am CS 4 entered the above Trailblazer. HALF was driving the vehicle and SOSA was in the front passenger seat. CS 4 told SOSA that he wanted to purchase an ounce of crack cocaine. SOSA agreed to the deal and stated that they would be back in 20 minutes. CS 4 then exited the Trailblazer and waited for SOSA and HALF to return. At

11:57 am the Trailblazer returned to CS 4's location. CS 4 entered the vehicle and gave SOSA \$1,300.00. SOSA in turn gave CS 4 a tied off plastic baggie containing an off white chunk like substance that CS 4 believed was one ounce of crack cocaine. At 12:01 pm CS 4 exited the Trailblazer which then drove away. At 12:05 pm CS 4 turned over custody of the item he purchased from SOSA to Oneida County Drug Task Force Investigator Brad Pietryka. CS 4 was also then searched again by Inv. Pietryka for contraband with negative results. At 12:35 pm Inv. Pietryka determined that this item field tested positive for the presence of cocaine and weighed 29 grams.

It is noted that CS 4 recorded the above second and third controlled buys he made with MICHAEL AUSTIN a/k/a SOSA. Additionally, surveillance conducted of the second and third controlled buys were videotaped.

Based upon the above, there is probable cause to believe that evidence of drug trafficking activity will be found at 111 Hawthorne Avenue, Utica, New York, including but not limited to narcotics, packaging, paraphernalia, drug records, and the like.

**Facts in Support of Requested Search For Warrant For 120 Richardson Avenue,
Second Floor Apartment Utica, New York**

National Grid records for 120 Richardson Avenue, second floor apartment, Utica, New York, show that the utilities for this residence are in the name of Jessica Pulluaim, who is the girlfriend of JERMAINE GARY a/k/a HALF. Additionally, 120 Richardson Avenue, second floor apartment, Utica, New York is the New York State Parole address for HALF. As has been previously discussed, HALF is a BOP member who "cooks" and sells crack cocaine. Surveillance conducted during this investigation from July 2008 to the present shows that HALF drives a

Chevy Trailblazer, New York tag DVY7671 which is routinely parked at 120 Richardson Avenue, Utica, New York.

Controlled Buy by CS 4 From JERMAINE GARY a/k/a HALF

On October 16, 2008 CS 4 told MICHAEL AUSTIN a/k/a SOSA that he wanted to purchase one ounce of crack cocaine from him the following day. SOSA stated that he would be out of town and that CS 4 should contact HALF (JERMAINE GARY).

On October 17, 2008 at 11:00 am JERMAINE GARY a/k/a HALF called CS 4 from cell phone number 315-507-7493. During this call HALF told CS 4 that he was ready which CS 4 understood to mean that HALF was ready to sell him one ounce of cocaine per CS 4's discussion with SOSA the day before. CS 4 told HALF he would call him later the day to do the deal. At 5:00 pm CS 4 called HALF at cell phone number 315-507-0574 and they agreed to meet later at a local business. CS 4 was then given \$1,300.00 in "buy" money and his person was searched for contraband with negative results. At 5:40 pm HALF told CS 4 that he was on his way to meet him. At 6:25 pm HALF was observed driving his Chevy Trailblazer, New York tag DVY76671, on Richardson Avenue, Utica. HALF then parked in front of his residence at 120 Richardson Avenue and went inside. At 6:30 pm HALF exited 120 Richardson Avenue and drove away in his Trailblazer. At 6:52 pm HALF told CS 4 he would he would meet him shortly. At 6:55 pm CS 4 entered HALF's Trailblazer. CS 4 then gave HALF \$1,300. HALF in turn gave CS 4 a tied off plastic baggie containing an off white chunky substance that CS 4 believed was one ounce of crack cocaine. At 6:56 pm CS 4 exited HALF's vehicle and HALF drove away. At 7:00 pm CS 4 turned over the item he purchased from HALF to Oneida County Task Force Investigator Brad Pietryka. CS 4 was also searched for contraband by Inv. Pietryka with negative results. At 7:20

pm Inv. Pietryka determined that the item weighed 29 grams and field tested positive for the presence of cocaine. It is noted that CS 4 recorded his meeting with HALF.

Based upon the above, there is probable cause to believe that evidence of drug trafficking activity will be found at 120 Richardson Avenue, second floor apartment, Utica, New York, including but not limited to narcotics, packaging, paraphernalia, drug records, and the like.

Facts in Support of Requested Search For 197 Utica Road, Apt. A, Kirkland, New York

National Grid records for 197 Utica Road, apt. A , Kirkland, New York, show the utilities for this apartment are in the name of Anida Brodt, who is the girlfriend of HAROLD CARR a/k/a "H", HENNY. Line 1 and Line 5 call intercepts and associated surveillance from July 2008 to the present show that "H" resides at 197 Utica Road, apt. A, Clinton, New York. Additionally, these calls and surveillance showed "H" often drove from his residence to make drug deliveries to his drug customers. A sampling of these calls and surveillance is as follows:

July 25, 2008

Call #1179 – 11:16 pm – 315-219-0814

CHRISTINE CARR a/k/a GHETTO asked if it was too late to go to "H"'s "crib". "H" told her that if she was alone to just come there and walk inside.

July 26, 2008

Call #1191 – 12:41 pm – 315-219-0814

GHETTO told "H" that the "thing" from last night was different from what she was use to. She stated that she had lost "one and a half". (Ghetto cooked the cocaine she purchased from "H" into crack cocaine.)

The above calls show that on July 25, 2008 GHETTO went to "H" residence, 197 Utica

Road, apartment. A., Kirkland, New York, purchased cocaine then cooked it into crack cocaine.

August 5, 2008

Call #1983 – 315-790-1596 – 9:05 pm

MARK BAKER who as was previously mentioned, is one of “H”’s main customers, told “H” that he needed to meet with “H”.

Call #1986 – 315-790-1596 – 10:05 pm

MARK BAKER and “H” agreed to meet at the bar (Utica Clubhouse).

Surveillance

10:15 pm - HAROLD CARR a/k/a “H”, HENNY was observed leaving 197 Utica Road, apartment A, Kirkland, New York, in a tan Sebring, EGU 5402.

10:25 pm – “H” was observed parking in the parking lot of the Utica Clubhouse.

10:28 pm – MARK BAKER drove out of the same Utica Clubhouse parking lot in a Honda Accord, NY tag EEH 8557. “H” was then observed walking into the Utica Clubhouse.

10:38 pm – “H” drove away in the Sebring.

11:09 pm – The Sebring was observed parked in the driveway at 197 Utica Road, apartment A, Clinton, New York.

The above calls and surveillance on August 5, 2008 show that “H” left his residence at 197 Utica Road, apartment A, Kirkland, New York, to deliver cocaine to MARK BAKER.

October 16, 2008

Call #1598– 315-269-6804 – 3:04 pm

PORTER, who was a drug customer of HAROLD CARR a/k/a “H”, HENNY, told “H” he was waiting for him on Jefferson Avenue. “H” told him that he would come to see him in half an

hour.

Call #1600 – 315-360-0005 – 3:54 pm

“H” told CHRISTINE CARR a/k/a GHETTO that he was going to “holler” at PABLO (GOICO) who as was previously mentioned is one of “H”’s drug customers. “H” also mentioned that he would take care of her at PABLO’s if she went there.

Call #1601 – 315-797-3036 – 4:32 pm

“H” told his girlfriend that he was just about to leave their house (197 Utica Road, Apt. A, Kirkland, New York) to go see PORTER, GHETTO and PABLO.

The above calls on October 16, 2008 show that “H” was leaving his residence to distribute cocaine to some of his drug customers.

Based upon the above, there is probable cause to believe that evidence of drug trafficking activity will be found at 197 Utica Road, apartment A, Kirkland, New York, including but not limited to narcotics, packaging, paraphernalia, drug records, and the like.

IV. ITEMS TO BE SEACHED/AUTHORIZATION FOR UNANNOUNCED ENTRY

Based upon my training, experience and participation in other drug investigations, I know that:

a. Drug traffickers maintain records, notes, and other papers relating to transportation, sales, and distribution of drugs, and such documents may be in code. The aforementioned records, notes, and other papers are commonly maintained where the drug traffickers have ready access to them, such as on their person, or in their homes or vehicles.

b. Drug traffickers must maintain, on hand, United States currency in order to maintain and finance their ongoing drug business.

c. It is common for drug dealers to hide contraband; proceeds of drug sales, including currency, financial instruments, precious metals, jewelry, and other items of value; and records of drug transactions, drug sources, and drug customers in secure locations within their residences and storage areas for ready access and to conceal such items from law enforcement authorities.

d. Drug traffickers commonly maintain books or papers which reflect addresses or telephone numbers for their associates in the drug trafficking organization, and such items may be in code.

e. Drug dealers often take, or cause to be taken, photographs of themselves, their associates, their property, or their product, and usually maintain these photographs in their residences.

f. When drug traffickers amass large proceeds from the sale of drugs, they attempt to legitimize these profits by utilizing banks, and their attendant services, securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, and business fronts, among other things.

g. Drug traffickers usually keep paraphernalia for weighing, packaging, and distributing the drugs.

h. Drug traffickers often place assets in names other than their own to avoid detection of those assets by government agencies while continuing to use those assets and exercise dominion and control over them.

i. Drug traffickers often travel to cities such as New York to obtain drug supplies.

Based upon my training, experience, and participation in investigations involving controlled substances, I also know that drug traffickers often possess, use, and carry firearms in connection with their drug trafficking, including to protect controlled substances, paraphernalia, money, records, and the like from seizure.

Based upon my training, experience, and participation in investigations involving controlled substances, I also know that:

a. Controlled substances, and especially cocaine and cocaine base (crack), are easily and readily disposed of or destroyed. Cocaine and cocaine base (crack) are water soluble. Valuable quantities of these drugs are not particularly large or bulky. Cocaine traffickers often attempt to dispose of these drugs by flushing them down the toilet, or sending them down the drain, either within packaging or not; and

b. Drug traffickers often attempt to flee and/or destroy, carry away, or hide cocaine and cocaine base (crack), proceeds of drug sales, records, and other evidence upon learning of law enforcement involvement to question, search, or arrest.

For the foregoing reasons, and because the search warrants sought are, in part, for controlled substances, authority is requested, pursuant to Title 21, United States Code, Section 879, to search at any time of the day or night. For the foregoing reasons, authority to make unannounced entry is requested to prevent destruction, disposal, or removal of the controlled substances and to protect the law enforcement officers executing the warrants.

Based on the facts in this Affidavit, there is probable cause to believe that the following items, which would be evidence of narcotics distribution and related conduct, will be present in the above described residences, to include, any other structures, outbuildings and vehicles located

thereon:

- a. Cocaine (in any form) and any other controlled substances;
- b. Paraphernalia used and commonly associated with the possession and distribution of controlled substances such as cocaine; including, but not limited to: scales, packaging materials including plastic baggies, plastic or glass vials, heat sealing machines, pipes, coffee grinders, cocaine presses, sifting screens and/or strainers; any materials used for "cutting" or diluting controlled substances like cocaine, such as baking soda, inositol and mannitol;
- c. Any books, records, receipts, notes, ledgers, journals, and other papers relating to the purchase and distribution of controlled substances, including cocaine;
- d. Addresses and/or telephone books, PDA=s (i.e. Palm Pilots), caller ID boxes attached to telephones and papers reflecting names, addresses, and/or telephone numbers; and telephone records reflecting local and long distance calls;
- e. Bank statements and records, safe deposit keys, receipts, and other books and records, including any related to the purchase of real property and personal property (including automobiles), safes, lock boxes, safe deposit boxes and, in general, any records or documents evidencing the obtaining, transfer, concealment, or expenditure of money or other assets, and/or demonstrating the laundering or use of monies generated by the sale of narcotics;
- f. Any significant sums of United States currency, stocks, bonds, certificates of deposit, any other financial instruments, and safes, or other security type boxes or containers;
- g. Photographs of people, assets, or controlled substances;
- h. Personal effects tending to establish proprietary interest, including but not limited to, personal identification, driver's licenses, vehicle registration certificates, passports, birth

certificates and deeds;

i. Records of interstate travel in furtherance of the unlawful distribution of drugs and the use of the facilities of interstate commerce in furtherance of the unlawful distribution of drugs;

j. Communication devices to include digital pagers, cellular telephones (including any stored electronic contents such as voice mail messages, addresses and telephone numbers and alpha/numeric messages), telephones, scanners and the like; and,

k. Computers, laptops, hard drives, computer disks, compact disks or other medium utilized to store data or information.

l. Other property constituting evidence of the possession, distribution, or use of controlled substances, or any property, records, or documents constituting evidence of the association and relationship of individuals in connection with drug-related activities.

V. CONCLUSION

Based on the foregoing, and on my training, experience, and participation in this and other drug investigations, I submit there is probable cause to believe that the above named defendants have committed the crime of conspiracy to possess with intent to distribute and to distribute cocaine and/or crack cocaine in violation of Title 21, United States Code, Sections 841(a)(1), and 846. Accordingly, it is hereby requested that a complaint and arrest warrant be issued for the defendants.

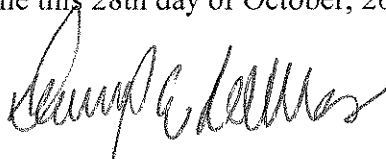
Further, so as not to compromise the investigation, nor to alert the defendants to the existence of the warrants and complaint against him, it is further requested that the criminal complaint and this affidavit be sealed until further order of this Court.

Respectfully submitted,



Anthony R. Fitzgerald
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before
me this 28th day of October, 2008.



Hon. David E. Peebles
United States Magistrate Judge